

**OPEN SESSION MINUTES OF THE HEARING IN THE MICHAEL KING
DISABILITY MATTER BEFORE THE BOARD OF TRUSTEES OF THE CITY OF DES
PLAINES FIREFIGHTERS' PENSION FUND
July 29, 2020**

An additional remand hearing before the City of Des Plaines Firefighters' Pension Board was held on Wednesday, July 29, 2020 beginning at 9:00 AM, at City Hall located at 1420 Miner Street, Des Plaines, Illinois pursuant to proper notice, to conduct formal business regarding the disability claim of Michael King.

CALL TO ORDER: President Rice called the meeting to order at 9:29 AM.

ROLL CALL:

PRESENT: President William Rice, Secretary Jeff Vallee., Trustee Jeff Rozovics, Trustee Paul Birger.

ALSO PRESENT: Also present were Applicant Michael King, Attorneys P. Ann O'Connell and Steven Seidman (counsel for Applicant), Attorneys Andrew Fiske and Mark Burkland (counsel for the City of Des Plaines), and Attorney Laura J. Goodloe (counsel for the Des Plaines Firefighters' Pension Board).

ABSENT: Trustee Nicholas Chiaro.

WITNESSES CALLED: Michael King, Christopher Moran, Tamara King and Jeffrey Swan.

PUBLIC COMMENT: None.

REAPPOINTMENT OF HEARING OFFICER:

Trustee Vallee made a motion to re-appoint Laura Goodloe as the hearing officer over the proceeding. Trustee Rozovics seconded the motion and the motion carried by unanimous voice vote.

PRELIMINARY MATTERS:

The hearing officer then went on to provide an opening statement detailing the course and manner of proceedings for this hearing.

Each Trustee affirmatively certified on the record that he could be fair and impartial in adjudicating this claim before the Board.

The hearing officer then formally proffered/re-proffered pension board exhibits numbered one (1) through sixty-two (62) for entry into the record of proceedings. The City of Des Plaines did not object to the entry of those exhibits into the record. Mr. King did not object to the entry of those exhibits into the record. Therefore, Pension Board exhibits one (1) through sixty-two (62) were entered into the record as evidence in this proceeding.

The City of Des Plaines proffered an additional exhibit at hearing, a portion of Chief Alan Wax's prior hearing testimony, with redactions. The Pension Board did not object to the entry of this

document into the record. Mr. King objected to this record being entered on the basis of hearsay. The objection was overruled by the Hearing Officer and the document was entered into the record.

The City of Des Plaines then noted that it intended on requesting to have entered into the administrative record certain exhibits from the initial hearing in this matter. Due to the fact that City Counsel just obtained and tendered those proposed exhibits onto Board Counsel only, no action was taken as to their entry. The matter will be taken under advisement by Board Counsel and will be ruled on at a later date in time. City Counsel was instructed to provide copies of the additional records to Mr. King's Counsel.

Mr. King did not have any additional exhibits to enter into the record.

OPENING STATEMENTS:

Counsel on behalf of Mr. King provided an opening statement.

Counsel on behalf of the City of Des Plaines then proceeded with an opening statement.

DIRECT/CROSS EXAMINATIONS:

Counsel for Mr. King called Michael King, Christopher Moran, Tamara King and Jeffrey Swan as witnesses. Upon the conclusion of direct examination Counsel for the City, followed by Counsel for the Pension Board, followed by the Pension Board Trustees were given the right to cross examine the witnesses. Some witnesses provided re-examination responses. (*See Transcript.*)

The City of Des Plaines did not call any witnesses during this proceeding.

The Pension Board did not call any witnesses during this proceeding.


EXECUTIVE SESSION:

None.

All parties to the proceeding were provided information as to the propensity for an additional hearing and were advised of their right to file post-hearing briefs once all hearings concluded.

ADJOURNMENT: Trustee Birger made a motion to adjourn the administrative hearing in the King disability matter. Trustee Rozovicz seconded the motion. The motion carried by unanimous voice vote. The hearing was adjourned at 11:44 AM.

Respectfully Submitted,


William Rice
President

Date Approved

Open Session Minutes Prepared by Laura J. Goodloe, Esq.