

**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**

December 18, 2020

An additional remand hearing before the City of Des Plaines Firefighters' Pension Board was held on Friday, December 18, 2020 beginning at 2:00 PM via remote attendance (zoom) 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 2:02 PM.

ROLL CALL:

PRESENT: President William Rice, Secretary Jeff Vallee, Trustee Jeff Rozovics, Trustee Nick Chiaro.

ALSO PRESENT: Also present were Applicant Michael King, Attorneys P. Ann O'Connell and Steven Seidman [Seidman appearing at 2:05 PM] (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 Paul Birger (due to recusal).

WITNESS CALLED: Michael King.

PUBLIC COMMENT: None.

REAPPOINTMENT OF HEARING OFFICER:

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

AYES: President William Rice, Secretary Jeff Vallee, Trustee Jeff Rozovics, and Trustee Nick Chiaro.

NAYS: None.

ABSENT: Trustee Paul Birger.

The hearing officer then went on to note for the record that all parties to this proceeding stipulated to hold this hearing remotely due to the Coronavirus outbreak and pursuant to Governor Pritzker's Executive Orders suspending the Open Meetings Act's physical presence requirement. The parties stipulation was made in conjunction with Board President William Rice's determination that an in person proceeding was not feasible or prudent given the nature of the pandemic.

Prior to the proceeding's formal commencement all parties acknowledged they could communicate with one another on zoom.

Counsel for the parties then formally identified themselves for the record and acknowledged their willingness to proceed with the hearing.

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

REVIEW/PRESENTATION OF ADDITIONAL EXHIBITS BY PARTIES:

The hearing officer formally proffered pension board exhibit numbered sixty-three (63) for entry into the record of proceedings. The City of Des Plaines and Mr. King did not object to the entry of that additional exhibit into the record. Therefore, Pension Board exhibit sixty-three (63) was entered into the record as evidence in this proceeding.

The City of Des Plaines proffered additional exhibits numbered two (2) through four (4). The Pension Board did not object to the entry of these documents into the record. Mr. King did not object to the entry of these documents into the record. Therefore, Applicant exhibits two (2) through four (4) were entered into the record as evidence in this proceeding.

The City of Des Plaines then requested to have an August 12, 2020 communication as to Trustee Paul Birger's recusal entered into the record. Hearing no objections from any party to this proceeding, that communication was thereby entered into the record as pension board exhibit numbered sixty-four (64).

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

PRESENTATION OF ADDITIONAL WITNESS TESTIMONY BY APPLICANT:

The applicant did not call any witnesses during this proceeding.

PRESENTATION OF ADDITIONAL WITNESS TESTIMONY BY CITY:

The City did not call any witnesses during this proceeding.

PRESENTATION OF ADDITIONAL WITNESS TESTIMONY BY APPLICANT:

The Pension Board called the applicant, Michael King for further cross-examination. Counsel for the City provided additional re-cross examination. Pension Board trustees asked several follow up questions. No re-direct examination was provided by Applicant's counsel.

EXECUTIVE SESSION:

Trustee Rozovics made a motion to adjourn into executive session pursuant to 2(c)(4) of the Open Meetings Act to deliberate as to the evidence and testimony received thus far in this matter. Trustee Vallee seconded the motion and the motion carried by roll call vote:

AYES:	President William Rice, Secretary Jeff Vallee, Trustee Jeff Rozovics, and Trustee Nick Chiaro.
NAYS:	None.
ABSENT:	Trustee Paul Birger.

The Board thereafter went off the open session zoom conference and deliberated in a separate zoom conference in closed session. At the culmination of closed session the Board reappeared on the open session zoom conference at 3:20 PM. Trustee Vallee made a motion to go back into open session and Trustee Rozovics seconded the motion. The motion carried by roll call vote:

AYES: President William Rice, Secretary Jeff Vallee, Trustee Jeff Rozovics, and Trustee Nick Chiaro.
NAYS: None.
ABSENT: Trustee Paul Birger.

ADDITIONAL CLOSING STATEMENT(S):


The hearing officer advised counsel for the applicant and city that the Pension Board would be officially closing proofs and that the Board requested post-hearing memoranda from each party in lieu of closing arguments. The parties were given thirty days after the date the transcript was prepared and served on all parties to prepare and submit their briefs.

ADJOURNMENT: Trustee Vallee made a motion to adjourn the administrative hearing in the King disability matter. Trustee Rozovics seconded the motion. The motion carried by unanimous roll call vote:

AYES: President William Rice, Secretary Jeff Vallee, Trustee Jeff Rozovics, and Trustee Nick Chiaro.
NAYS: None.
ABSENT: Trustee Paul Birger.

The hearing was adjourned at 3:23 PM.

Respectfully Submitted,


William Rice
President

Date Approved

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