

**ST. MARY'S COUNTY SHERIFF'S OFFICE RETIREMENT PLAN
BOARD OF TRUSTEES MEETING
June 24, 2010**

Members Present: John Savich, County Administrator
Elaine Kramer, Chief Financial Officer
Daniel Morris, Citizen Member
Captain Terry Black
Sergeant Edward Evans

Others Present: Susan Sabo, Plan Administrator
Karen Gates, Benefits Coordinator
David Weiskopf, Deputy County Attorney

CALL TO ORDER

The meeting was called to order at 2:04 p.m.

ACCEPTANCE OF THE AGENDA

The agenda was accepted as presented by John Savich.

APPROVAL OF MINUTES

Elaine Kramer made a motion, seconded by Terry Black, to approve the February 25, 2010 meeting minutes. Motion carried.

UPDATE ON BOARD MEMBERSHIP

Sue Sabo and the Sheriff's Office Retirement Plan (SORP) Board of Trustees bid farewell to Daniel Morris whose term expired June 30, 2010 after 7 years of service. Sue Sabo announced the appointment of Douglas Ahearn by the BOCC as the new citizen representative of the St. Mary's County Sheriff's Office Retirement Plan Board of Trustees. Mr. Ahearn will serve for an initial three year term beginning July 1, 2010.

Sue Sabo reported that both Captain Terry Black and Sergeant Edward Evans were re-elected to terms as Sheriff's Office representatives for the St Mary's County Sheriff's Office Retirement Plan Board of Trustees. Captain Black was elected to a one year term beginning July 1, 2010 with a subsequent three year term beginning July 1, 2011 (4-year term); and Sergeant Evans was elected to a two year term beginning July 1, 2010 with a subsequent three year term beginning July 1, 2012 (5-year term).

REVIEW OF SERGEANT CHRISTOPHER MORLEY'S DISABILITY RETIREMENT APPLICATION

Mr. Savich informed the Board that they would be reviewing the determination made by the Plan Administrator, Sue Sabo, to award Sergeant Christopher Morley an Ordinary Disability retirement.

Sue Sabo provided a brief overview of the SORP disability process:

The Plan Administrator reviews a Participant's application for disability benefits and makes a decision as to whether the Participant is entitled to disability benefits. The Plan Administrator then determines whether the disability is an *Ordinary* disability or a *Line of Duty* disability. An *Ordinary* disability means total and permanent disability. A *Line of Duty* disability means a total and permanent disability incurred as a result of an on-the-job accident or injury which has been ruled compensable under the Workers' Compensation Law of Maryland.

After reviewing Sergeant Morley's disability application, and an independent medical examination (IME), Ms. Sabo determined Sergeant Morley was eligible to receive disability benefits under the Plan. She also classified Sergeant Morley's disability as an *Ordinary* disability. She stated that the medical opinions

included in Sergeant Morley's disability retirement application were varied and presented questions about what injuries prevented him from performing his job duties. She also had questions about the lengthy timeframe between his earlier work related injuries and the date of his retirement application. Ms. Sabo requested Sergeant Morley attend an Independent Medical Examination to be conducted by Dr. Stephen Matz. Dr. Matz' report stated that Sergeant Morley was unable to perform the duties of his position because of his most recent shoulder surgery in August 2009. This shoulder condition and subsequent surgery was not ruled compensable by the Maryland Workers' Compensation Commission. Ms. Sabo stated this was the basis for her determination.

It was noted that each Board of Trustee member was given a copy of Sergeant Morley's disability application and pertinent information to review before the June 24, 2010 meeting. John Savich asked for comments/discussion from the SORP Board of Trustees. Daniel Morris presented an overview of Sergeant Morley's injuries over the last 10 years. Mr. Morris stated that he believed Sergeant Morley's disability should be classified as a *Line of Duty* disability based on his long history of work related injuries. Captain Terry Black asked several questions regarding Sergeant Morley's right shoulder injuries and asked if he had injured his shoulder since his last work related incident in 2002. Sue Sabo responded that Sergeant Morley had not had a work related shoulder injury since 2002. Capt Black stated that he believed Sergeant Morley's current shoulder condition and the subsequent shoulder surgery was due to his previous work related shoulder injuries. He stated that he believed the Workers' Compensation Commission may not have made the correct ruling. Ms. Kramer commented that the Board of Trustees had a responsibility to make decisions based on the requirements set forth in the SORP Plan document, noting that Section 4.04(b)(2) indicates that it applies only when the injury has been ruled compensable under the Workers Compensation Law of Maryland. And Ms. Kramer asked the Plan Administrator to confirm that we have not received such a ruling. Ms. Sabo confirmed that they had not ruled it to be compensable.

After all discussions and comments were made, Mr. Savich asked for a motion. Captain Black made a motion, seconded by Daniel Morris, to award Sgt. Christopher Morley a *Line of Duty* disability benefit. Mr. Morris, Capt Black and Sergeant Evans voted yes. Mr. Savich and Ms. Kramer voted no. Motion carried.

OTHER ITEMS

Sue Sabo announced that the representative from Morgan Stanley would attend the meeting on August 26, 2010 to review the Plan's financial portfolio and Tom Lowman would attend the October 2010 meeting to present the Plan's 2010 Actuarial Valuation.

ADMINISTRATOR'S REPORT

Bills paid since last meeting:

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|---|------------|
| 03/05/10 – Whiteford, Taylor & Preston (legal services) | \$ 344.00 |
| 04/07/10 – Bolton Partners (consulting services) | \$ 190.00 |
| 05/12/10 – Whiteford, Taylor & Preston (legal services) | \$1,258.72 |
| 05/14/10 – Bolton Partners (consulting services) | \$ 335.00 |
| 05/03/10 – Zauner & Associates (legal services) | \$1,218.64 |
| 06/01/10 – Zauner & Associates (legal services) | \$ 563.37 |

NEXT MEETING

The next meeting will be held on Thursday, July 22, 2010.

ADJORNMENT

The meeting adjourned at approximately 2:45 p.m.

Respectfully submitted,

APPROVED:

Karen Gates
Benefits Coordinator

John W. Savich
Chair