

**MINUTES OF THE REGULAR MEETING
PUBLIC SAFETY RETIREMENT BOARD
TOWN OF CHINO VALLEY**

**JANUARY 25, 2022
1:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

Present: Jack Miller, Chair; Amy Chamberlin, Board Member; Cheri Romley, Board Member;
Deana Winn, Board Member

Absent: Dean Keller, Board Member

Staff Present: Laura Kyriakakis, Human Resources Director; Bill Whittington, Board Attorney

Attendees: Sofia Newton, Gary Bruso, Judith Abramson, Attorney for Gary Bruso

1) CALL TO ORDER

2) ROLL CALL

3) APPROVAL OF MINUTES

- a) Consideration and possible action to accept the July 13, 2021, regular meeting minutes.

MOVED by Board Member Cheri Romley, seconded by Board Member Deana Winn to approve the July 13, 2021 regular meeting minutes.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley, Board Member Deana Winn

4 - 0 PASSED - Unanimously

4) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Board concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 15 minutes per meeting. Board action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for

further consideration and decision at a later date, or responding to criticism.

5) OLD BUSINESS

6) NEW BUSINESS

a) Training session with Public Safety Retirement Board Members.

Board Attorney Whittington reported that the law had been changed and now required all new Board Members to get training within six months from January 1. Since all current Members were existing, the law did not apply to them. Staff was providing written information since the current Board had been through training for several years. They had to review the Town's version of the Uniform Rules of Procedure, the Open Meeting Law, and the rules and regulations regarding the performance of their duty. He could present a short or longer version of the Open Meeting Law at the current meeting. He explained the penalties for not following it and explained that accidental violations were common amongst boards. He recommended occasional reviews of the rules and laws. Staff explained that training could be provided by PSPRS through videos. Members agreed to the five-minute Open Meeting Law review.

Mr. Whittington reported that the annual Public Safety Retirement conference would be by video for one day. He recommended Members attend to hear the comprehensive rules.

b) Discussion and review of Open Meeting Laws.

Mr. Whittington reviewed the Open Meeting Law, which was intended to ensure the Public knew what they were doing with the money they had power over.

- The simple rules were reviewed for the Members.
- Staff did not have a "Do not respond to all" at the end of their email, but would be adding it.

c) Discussion and possible action regarding Officer Jeffrey Pizzi's application to enter into DROP, effective December 25, 2021.

MOVED by Board Member Cheri Romley, seconded by Board Member Deana Winn to approve Officer Jeffery Pizzi's application to enter into DROP, effective December 25, 2021.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley, Board Member Deana Winn

4 - 0 PASSED - Unanimously

7) EXECUTIVE SESSION

The Board may vote to recess the Regular Meeting and hold an Executive Session, which will not be open to the public, for the following purposes:

Mr. Whittington recommended that the Members cover all the items, so they did not need to come out each time to make multiple motions. They would need one motion to go into executive session covering each statute in Items 7(a), 7(b), and 7(c).

MOVED by Chair Jack Miller, seconded by Board Member Cheri Romley to go into executive session for legal advice under (A)(3), to review exempt records under (A)(2), for personnel matters under (A)(1) regarding 7(a) the Newton matter, 7(b) the Brusco matter, and 7(c) the Newton and Quintana matter.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley, Board Member Deana Winn

4 - 0 PASSED - Unanimously

- a) Possible vote to go into executive session for legal advice pursuant to A.R.S. § 38-431.03(A)(3); for personnel matters pursuant to A.R.S. § 38-431.03(A)(1) and pursuant to A.R.S. Section 38-431.03(A)(2) for discussion and consideration of records exempt by law from public inspection regarding Sofia Newton’s disability application.
- b) Possible vote to go into executive session for legal advice pursuant to A.R.S. § 38-431.03(A)(3); for personnel matters pursuant to A.R.S. § 38-431.03(A)(1) and pursuant to A.R.S. Section 38-431.03(A)(2) for discussion and consideration of records exempt by law from public inspection regarding Gary Brusco’s disability application.
- c) Executive session for legal advice pursuant to A.R.S. §38-431.03(A)(3); for personnel matters pursuant to A.R.S. § 38-431.03(A)(1) and pursuant to A.R.S. Section 38-431.03(A)(2) for discussion and consideration of records exempt by law from public inspection regarding acceptance into the Public Safety Personnel Retirement System with regard to:
 - Jesse Newton – DOH 9/13/2021
 - Paul Laymon Quintana – DOH 12/13/2021

8) NEW BUSINESS RESUMED

After the Executive Session, the Board will reconvene the Regular Meeting.

Chair Miller reconvened the public meeting at 2:05 p.m.

- a) Discussion and possible action to accept Jesse Newton in the Public Safety Retirement System.

MOVED by Board Member Amy Chamberlin, seconded by Board Member Deana Winn to accept Jesse Newton in the Public Safety Retirement System. The motion was to include any pre-existing medical conditions.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley, Board Member Deana Winn

4 - 0 PASSED - Unanimously

- b) Discussion and possible action to accept Paul Laymon Quintana in the Public Safety Retirement System.

MOVED by Board Member Cheri Romley, seconded by Board Member Deana Winn to accept Paul Laymon Quintana in the Public Safety Retirement System.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley, Board Member Deana Winn

4 - 0 PASSED - Unanimously

c) Discussion and possible action regarding Sofia Newton's application for disability.

Members discussed the following:

- The results of an independent medical exam (IME) by Dr. Parker from September 4, 2021, which included notes on current and historical personality conflicts, stressors, medical issues, and mental health issues, were reviewed. The report also included an on-the-job interaction and situation that were mentally difficult to handle.
- She had struggled with PTSD.
- She was found by medical personnel not fit for duty and ultimately resigned her position.
- She was reported to have a positive emotional state, relationships and a good recollection of events.
- She reported issues with substance abuse, concentration, worry, and had strange experiences and thoughts.

Members and Ms. Newton discussed the following:

- Her on-the-job interaction was reported informally to a supervisor.
- There were discrepancies from the P5 report and the earlier diagnosis.
- She disputed some issues as reported. She reported that although there were preexisting conditions, symptoms did not show up until she became a police officer.

Members discussed the following:

- Members discussed questions based off the P5 Form.
- She was found to have a mental disorder and PTSD that prevented her from doing her job. It was too early to determine if the PTSD caused by her police position was disabling.
- Her mental condition was pre-existing and should be treatable with therapy and medication. The new medication would likely interfere with her ability to do her job as a police officer.
- Her mental disorder was not believed to be caused by her position as a police officer because it was a preexisting condition that was most likely genetic.
- Members completed the P5 Form. They determined the application was filed timely. The Members determined employment was terminated because of a disability and not a disciplinary issue. The employee was no longer working in any position in her job classification and had not refused any reasonable position or duties. Members determined the condition occurred prior to the current PSPRS date and was not a result of an event that occurred during duty.

MOVED by Board Member Cheri Romley, seconded by Board Member Amy Chamberlin to approve the entries made to the P5 Form.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley, Board Member Deana Winn

4 - 0 PASSED - Unanimously

MOVED by Board Member Cheri Romley, seconded by Board Member Amy Chamberlin to deny Sofia Newton's application for disability.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley, Board Member Deana Winn

4 - 0 PASSED - Unanimously

The motion was made and approved based off of Doctor Parker's report dated September 4, 2021, for the reasons previously stated. In the Doctor's opinion (page 15, #1) the incident was disabling, but the condition was preexisting (page 16, #2 and 3).

d) Discussion and possible action regarding Gary Brusco's application for disability.

Members, Mr. Brusco's Attorney, and Mr. Brusco discussed the following:

- Mr. Brusco had been before the Board four times. When he first saw Dr. Parker, it was reported in the first IME dated May 18, 2018, that he had PTSD, but it could not be determined if it was permanent. The doctor recommended additional medication. He went back to Dr. Parker on July 18, 2019, who confirmed he was eligible for temporary disability. On May 11, 2021, he applied for administrative disability, which was changed to accidental disability. Dr. Parker reported on the P5 there were conflicts on the medical evidence, which was explained on the IME report. Dr. Parker recommended he see another IME Doctor who was independent of Dr. Parker. This was done through Dr. Segal.
- The employee reported a conglomeration of stressful and traumatizing calls that were handled over the years, including an abused infant that had been shaken and dropped but appeared okay when Mr. Brusco saw him. He also responded to homicides that affected him, including a 2013 homicide involving a decapitation, which he responded to the scene. There was no written report but should be radio reports and records that he was on the scene. Mr. Brusco also detailed his experience with a spousal shooting.
- There was no childhood trauma detailed in any report.
- Mr. Brusco described himself as chronically unhappy, irritable, moody, and anxious, even though his social media posts showed he did have moments of happiness. He denied he had called his future bleak and short, as was reported in the IME. His attorney explained that the statement was based on an interpretation of the results of a test Mr. Brusco took and that other emotional control details were interpretations based on his answers to the Minnesota Multiphasic Personality Inventory. Although not his direct words, the answers were interpreted as his feelings. They were also things that were said during his interview.
- Members discussed his income as a police officer and his current higher income with the lumber industry. His income was inconsistent and was based on commissions. Mr. Brusco had not filed for Social Security disability benefits because he was still able to work in a job that did not have police duties.
- He was not currently happy with his life because of his emotional struggles, and his emotions were up and down. He struggled with relationships.
- Although he could no longer serve as a police officer due to possible triggers of a stressful situation, he was able to move on to other employment, but he continued to struggle with losing his temper.
- Counseling during his temporary disability helped in some areas. He was still going to counseling and learning tools to use, but sometimes he reacted before he used the tools.
- He did not think he struggled more or less than other officers from his experiences, but thought

it was how he was made that intensified his struggles.

- According to Mr. Brusio's attorney, the Statute said that if he could no longer serve as an officer, it became the burden of the Town. Mr. Brusio thought that if he had not had the events over his ten-years with the police department, he would still be working for them. He planned to do 20-years and retire, and at no fault of his own he could no longer do that.
- Members discussed that Mr. Brusio did not have any issues until he was demoted and went through personal issues. After that, he never returned to the job. Mr. Brusio denied that was the issue and explained it was after a seminar he realized he needed help.
- Dr. Segal reported no prior emotional issues, but in earlier reports he spoke about several prior emotional incidents that occurred in his life. Members were concerned about the discrepancies in the doctors' reports and issues not being discussed with both doctors. Mr. Brusio explained he only honestly answered the questions given to him, which the results were based on.
- Members discussed past incident dates and the final date of his resignation, which happened years after the incidents he mentioned as his stressors. Mr. Brusio said he had sought help and used the Family Medical Leave, but it was not good for his health to return to his position.
- The date of his last day at work was incorrect on Dr. Segal's report. His last day on the job was at the end of 2017. He resigned on February 1, 2018. His attorney shared a timeline overviewing his disability applications.
- Members compared Dr. Parker and Dr. Segal's reports.
 - Dr. Segal's Report and P5 reflected the following: He had a physical or mental condition that reasonably prevented him from reasonably performing his duties in his job. His disability did not result from a preexisting mental condition that existed prior to employment in the PSPRS. His disabling condition was from the performance of his duties as a police officer. There were no conflicts in the medical evidence.
 - Dr. Parker's Report and P5 (May 12, 2021) reflected the following: He had a physical or mental condition that reasonably prevented him from reasonably performing his duties in his job. His disability did not result from a preexisting mental condition that existed prior to employment in the PSPRS. His disabling condition was from the performance of his duties as a police officer. There were some conflicts in the medical evidence because Mr. Brusio went off work after being demoted and never returned to work and filed for disability on the basis of PTSD. His PTSD history, job incidents, and diagnosis were reviewed in the report.
- Mr. Brusio's attorney explained that the Statute allowed the Board to address conflicts when there were conflicts of medical evidence. The three questions that were asked and answered and were consistent in both reports supported his accidental disability retirement action.
- Members were concerned because the first report with Dr. Parker did find preexisting conditions, but those were not covered in his later reports. Mr. Brusio's attorney explained that Dr. Parker's opinion stated he had no evidence of substantial psychiatric problems prior to the date of service but he had some issues with depression that worsened with the demise of his marriage. It did not state there were preexisting conditions for his PTSD. His final report stated that there were medical evidence conflicts, but his course of illness and treatment was consistent with legitimate PTSD.
- Mr. Brusio's attorney explained that although when he first applied for disability, it was determined by Dr. Parker his condition was not permanent and would improve with time, it had not improved, and Dr. Parker agreed that his condition was now permanent. Dr. Segal agreed with that opinion. The first report by Dr. Parker was not relevant to the current application, which had been filed in 2019. The two relevant reports were dated from May and December of 2021 and addressed his current medical status.
- Members wanted to go into executive session to obtain legal advice from Mr. Whittington.

MOVED by Board Member Cheri Romley, seconded by Board Member Amy Chamberlin to go into executive session for legal advice under (A)(3), to review exempt records under (A)(2), for personnel matters under (A)(1) regarding Item 8(d) the Brusio matter.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley, Board Member Deana Winn

4 - 0 PASSED - Unanimously

Members reconvened the regular meeting.

Members, Mr. Brusio's Attorney, and Mr. Brusio discussed the following:

- Mr. Brusio's Attorney explained there were two medical board reports that supported granting him the accidental disability retirement based on the Statute.
- Members wanted to request clarification from Dr. Segal on why one doctor reported medical trauma and the other doctor did not.
- Dr. Segal was sent the prior reports.

MOVED by Board Member Amy Chamberlin, seconded by Board Member Cheri Romley to recess the meeting until they could get clarification from Dr. Segal about why questions about past childhood trauma were not addressed, if it was relevant to the PTSD, if the doctor received all the information, and why it was not covered in the report. Other Board questions would be submitted in writing.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley, Board Member Deana Winn

4 - 0 PASSED - Unanimously

MOVED by Board Member Amy Chamberlin, seconded by Board Member Deana Winn to request Department incident reports pertaining to what Mr. Brusio was involved in and observed during the Kim Cotter homicide in 2012, the homicide involving Mr. Scott in 2015, a double head-on fatal accident, and the shaken baby/child abuse in 2011.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Cheri Romley, Board Member Deana Winn

4 - 0 PASSED - Unanimously

Mr. Brusio's Attorney did not know if they could get case reports for every incident he had flashbacks about. Mr. Brusio said it had been a conglomeration of suicides and domestic issues, but it was not limited to those cases that were identified. Members wanted to see his participation level in the identified incidents.

Mr. Brusio's Attorney requested that Dr. Segal's response and a copy of all the records obtained needed to be sent to Mr. Brusio.

9) **ADJOURNMENT**

The meeting was adjourned at 3:57 p.m.

Submitted: February 10, 2022.

By: *Sara Burchill, Deputy Town Clerk*

Approved: March 30, 2022.