

**BATAVIA POLICE PENSION BOARD
SPECIAL MEETING MINUTES
DISABILITY HEARING
JUNE 28, 2022**

NOTE: These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Board and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

Meeting called to order by President Kaluzny on 06/28/2022 @ 09:15 a.m.

Roll Call: Jason Kaluzny, President; Chris Potthoff, Secretary; Rob Knanishu, Trustee; Tim O'Brien, Trustee (via conference call); Laura Newman, Trustee

Members Absent: None

Others Present: Jeffrey A. Goodloe, Esq., PGM; Officer Emil Jensen (Applicant); Angel Jensen (Wife of Applicant); Paul Denham, Clark Baird Smith LLP, Attorney for City of Batavia; Wendy Bednarek, Director Human Resources, City of Batavia; Gregory Booth, Theriault Booth LLC, Attorney for Applicant (Emil Jensen); Ryan Theriault, Theriault Booth LLC, Attorney for Applicant (Emil Jensen); Cheryl Shimp, Recording Secretary

Goodloe reported that Trustee Tim O'Brien is appearing telephonically pursuant to Section 7A of the Open Meetings Act due to business purposes, Trustee O'Brien is out of State. No objections to Trustee O'Brien appearing by telephone.

Motion: To appoint Attorney Jeff Goodloe as Hearing Officer.
Maker: Kaluzny
Second: Knanishu
Voice Vote: 5 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Goodloe stated that this hearing is being conducted pursuant to Article 3 Section 115 of the Illinois Pension Code to adjudicate the disability pension application of Emil Jensen. The parties were previously sent a Notice of Hearing advising them of their right to be represented by counsel, to present evidence and to respond to evidence before the Batavia Police Pension Board. The following individuals identified themselves for the record:

Paul Denham, Clark Baird Smith LLP, Attorney for the City of Batavia
Gregory Booth, Theriault Booth LLC, Attorney for Applicant (Emil Jensen)
Ryan Theriault, Theriault Booth LLC, Attorney for Applicant (Emil Jensen)
Emil Jensen, Applicant

All parties acknowledged receipt of the Notice of Hearing for today (06/28/2022).

Goodloe stated the following for the record:

- 1) The Applicant has the burden of proving his entitlement to a disability pension.
- 2) As a preliminary matter, the Board will introduce as part of the record, documentation that was obtained under Section 3-115 of the Pension Code.
- 3) The parties will have the opportunity to make objections to any of the documentation or evidence.
- 4) The parties may make an opening statement.
- 5) The Applicant may then present evidence and testimony in support of this disability claim.
- 6) The Board, its Legal Counsel, and the City will have the opportunity to cross examine the Applicant and the Applicant's Witnesses.
- 7) At the close of the Applicant's case, the City will have the opportunity to present any evidence and testimony relevant to this matter.
- 8) The Board, its Legal Counsel and the City will have the opportunity to cross examine the City's witnesses, if any.
- 9) At the close of the City's case, the Pension Board will have the opportunity to present any evidence and testimony relevant to this matter.
- 10) Both parties will have the opportunity to cross examine the Pension Board's witnesses, if any.
- 11) Rulings on legal matters will be made by the Board's Legal Counsel, subject to the Board's review.
- 12) In the event that this hearing cannot be completed on this date, the hearing shall be continued to date(s) agreeable to all parties until it has been completed.
- 13) At the conclusion of the hearing, the parties may make a closing argument.
- 14) The Pension Board will vote in Open Session as to the disability claim and then render a Written Decision and Order that will become the final administrative decision as to the disability claim for purposes of the Administrative Review Law.

**SEE TRANSCRIPT OF HEARING
FOR DETAILS**

At the conclusion of the hearing, the Board entered into Closed Session.

Motion: To enter into Closed Session pursuant to Section 2C4 of the Open Meetings Act.
Maker: Knanishu
Second: Potthoff
Roll Call: Potthoff – Aye, Knanishu – Aye, O'Brien – Aye, Newman – Aye, Kaluzny – Aye.
5 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

The Board entered into Closed Session at 11:50 a.m.

After deliberations, the Board returned to Open Session.

Goodloe stated that everyone will notice that they lost the court reporter. She, apparently, had something else to go to. So, what we're doing, we're (Goodloe/Shimp) are both recording from here on out. We are going to send the recording to her and she'll finish up the transcript, okay? Denham – Okay. Booth – No objection. Goodloe stated that this is the only option that we have. Any problems with this? Booth – there are 2 recordings going at the same time? Goodloe – yes. A copy of the recording will be sent to all parties involved.

Goodloe stated that the Board is back on the record in the matter of the disability application of Emil Jensen before the Board of Trustees of the Batavia Police Pension Fund. It is 1:09 p.m.

Motion: To return to Open Session
Maker: Potthoff
Second: Knanishu
Voice Vote: 5 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

The Board returned to Open Session at 1:09 p.m.

Goodloe reported that the Pension Board has deliberated in closed session pursuant to Section 2C4 of the Open Meetings Act. Requested a motion with respect to the Applicant's application for a line-of-duty disability pension.

Motion: To deny the application for a line-of-duty disability pension.
Maker: Knanishu
Second: Newman
Roll Call: Potthoff – Nay, Knanishu – Aye, O'Brien – Aye, Newman – Aye, Kaluzny – Aye.
4 Ayes, 1 Nay, 0 Absent. Motion carried.

Goodloe reported that by a vote of 4 to 1, the Pension Board has denied the application for a line-of-duty disability pension. The Pension Board will prepare a Written Decision and Order that will become the final administrative decision of the Board. The next meeting is scheduled for August 10, 2022, and the Written Decision and Order should be available then. Once approved, the Board will serve a copy on both parties for purposes of any administrative review the parties would like to take. All parties indicated they had no questions and understood.

ADJOURNMENT

There being no further business a motion was made by Trustee Knanishu to adjourn the meeting.
Seconded by Trustee Newman.

Motion: To adjourn the meeting at 1:11 p.m.
Maker: Knanishu
Second: Newman
Voice Vote: 5 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

The meeting was adjourned at 1:11 p.m.



President



Secretary