



SUMMARY TO THE REGULAR ADVISORY COMMITTEE MEETING

Tuesday, April 9, 2024

9:00 A.M. – 9:21 A.M.

City of Jacksonville Police and Fire Pension Fund
1 West Adams Street Suite 100, Jacksonville, FL 32202

The next Advisory Committee meeting will be held Tuesday, May 14, 2024 at 9:00 A.M.

Advisory Committee Members

James Holderfield, Chair
Asst. Chief Richard Reichard, Vice Chair
Thomas Lumpkin
Cpt. Jean Paravisini
Chief Michael Shell
Cpt. Christopher Stover

Excused

Sgt. Michael Pelletier

Fund Staff

Timothy H. Johnson, Executive Director – Plan Administrator
Steve Lundy, Deputy Director
Kevin Grant, Finance Manager
Chuck Hayes, Pension Benefits Manager

Guests

Randy Wyse
Debbie Manning
*Bob Sugarman, Fund Counsel

*Asterisk denotes virtual meeting attendance via the ZOOM application.

Notice

Meeting Agendas and Summaries are available on our website at jaxpfpf.coj.net. For additional meeting documents, please contact Steve Lundy, Custodian of Public Records for the City of Jacksonville Police and Fire Pension Fund at 904-255-7373 or SLundy@coj.net to file a public records request.

Pursuant to the American with Disabilities Act, accommodations for persons with disabilities are available upon request. Please allow 1-2 business days notification to process; last minute requests will be accepted, but may not be possible to fulfill. Please contact Disabled Services Division at: V(904) 630-4940, TTY-(904) 630-4933. If any person decides to appeal any decision made with respect to any matter considered at this public meeting such person will need a record of proceedings, and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and that such record includes the testimony and evidence on which the appeal is based. The public meeting may be continued to a date, time, and place to be specified on the record at the meeting. Additional items may be added / changed prior to meeting.

City of Jacksonville Police and Fire Pension Fund
Summary to the Regular Advisory Committee Meeting of
Tuesday, April 9, 2024
9:00 A.M. – 9:21 A.M.

Summary

I. Moment of Silence

Randy L. Faulk, Retired Police Officer
Josh L. Linder, Retired Firefighter Engineer
Clarence R. Pickett, Retired Fire Lieutenant
Grady W. Steele, Retired Police Officer

II. Public Speaking

None.

III. Consent Agenda – Action Items: a-c; Items d-f to be received as information.

James Holderfield asked for a motion to approve the consent agenda, excluding the Application for Survivor's Benefits of Mitzi Keys.

Richard Reichard moved to approve the Consent Agenda, excluding the Application for Survivor's Benefits of Mitzi Keys, seconded by Michael Shell. The vote passed unanimously.

James Holderfield then shifted the discussion to the Application for Survivor's Benefits of Mitzi Keys, prompting Timothy Johnson to present his report.

Timothy Johnson began by detailing the Application for Survivor's Benefits submitted by Mitzi Keys, spouse of Mark Keys, which raised concerns among PFPF staff due to Section 121.204 of the Ordinance Code stipulating that for eligibility, the survivor must have been married and cohabiting with the member at the time of their death. Prior to his passing, Mark Keys had disclosed to PFPF Pension Benefits Manager Chuck Hayes that he and his wife were separated and not living together.

To address these concerns, Johnson initiated an investigation into the living arrangements of Mitzi and Mark Keys at the time of Mark's death. Upon the recommendation of Thomas Lumpkin, Johnson enlisted Mulholland Investigations, whose findings consisted of 8 interviews and 6 affidavits from individuals closely acquainted with Mitzi and Mark Keys, all attesting to their living situation as being separated.

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Timothy Johnson noted that numerous PFPF members had also expressed suspicion regarding Mitzi's application and voiced concerns about the fund's assets. Mitzi stood to receive approximately \$1.6 million over her life expectancy if her application were approved. Additionally, the PFPF received police body-worn camera footage capturing an interview between Mitzi and the Fernandina Beach Police Department. Combining all the evidence with the legal standard provided by Bob Sugarman, it becomes apparent that, based on a common definition of "separation," it is reasonable to conclude that the member and his spouse were indeed separated and not living together at the time of his death.

Timothy Johnson made it clear that he does not recommend approving the Application for Survivor's Benefits. The investigation concluded that the member and his spouse were not living together. Chuck Hayes and Steve Lundy are present to address any inquiries. Lundy even ran divorce estimates for the couple, who were contemplating divorce. The Advisory Committee must uphold its duty to prevent assets from leaving the plan and being allocated to individuals ineligible for benefits.

Thomas Lumpkin requested to review Section 121.204 of the Ordinance Code.

"A Member of the fund hereafter who shall be killed or die from effects of an injury or of any illness or disease and any such Member so killed or dying **shall have a spouse living with such Member at time of death**, the Board shall direct the payment from the fund of the following sum to the surviving spouse [...]"

Chuck Hayes provided insight into his interactions with Mark Keys before his passing. He recounted receiving 2-3 calls from Mark Keys discussing personal issues and Mark's visit to the office twice for divorce estimates. On one occasion, Mark came alone, and on another, he brought his wife, Mitzi, who sought to understand the calculations. Mark Keys made one final visit to the office to cease his life insurance deductions from his pension check, just four days before his death.

Timothy Johnson referenced a previous legal opinion from Bob Klausner, emphasizing the importance of context in making the decision. While some members may be unable to live with their spouses due to being in nursing homes, this situation does not apply here. The evidence suggests that this couple intended to divorce and were indeed separated. Following the Advisory Committee's recommendation, the Board of Trustees will make the final determination. Should the benefit be denied, the spouse will have the opportunity to appeal, ensuring due process.

Richard Reichard expressed gratitude to Timothy Johnson and the PFPF staff for their diligent efforts in this matter. Having reviewed the body-worn camera footage and all the evidence, he assured the members of the pension fund that the PFPF staff is committed to safeguarding everyone's interests. There is no doubt regarding this case.

Timothy Johnson emphasized the imperative of prioritizing the members' interests, asserting that the PFPF staff must adhere to the law, even when faced with difficult decisions. In this instance, the evidence clearly dictates the course of action. Bob Sugarman expressed gratitude to Thomas Lumpkin for recommending Mulholland Investigations, acknowledging their thoroughness and excellent work. He commended Timothy Johnson for his neutrality and impartiality, noting his impressive ability to reach an objective conclusion.

James Holderfield then called for a motion.

Bob Sugarman proposed the motion: Based on the written report, to recommend the Board of Trustees deny the Survivor's benefit to Mitzi Keys, based on the fact that, although married to Mark Keys at the time of his death, they were not living together, but separated.

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Richard Reichard moved, based on the written report, to recommend the Board of Trustees deny the Survivor’s benefit to Mitzi Keys, based on the fact that, although married to Mark Keys at the time of his death, they were not living together, but separated. Michael Shell seconded the motion. The vote passed unanimously.

a. Meeting Summaries to be Approved

1. Summary to the Regular Advisory Committee Meeting of Tuesday, March 12, 2024

b. Application for Survivor Benefits

Approved:

Survivor Name	Original Retiree Name	Spouse Effective Date	Monthly Gross Pension
HOGAN, WANDA W	HOGAN, LOYD W	02/26/2024	\$5,051.53
JONES, JEAN M	NASH, WINSTON F	02/29/2024	\$7,435.70
LINDER, GWENDOLYN Y	LINDER, JOSH L	03/27/2024	\$3,705.98
ROMINE, ELIZABETH A	ROMINE, CHARLES F	02/16/2024	\$6,108.22

Not approved:

KEYS, MITZI P	KEYS, MARK W	02/19/2024	\$5,229.90
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c. Application for Time Service Connections

Full Name	RANK/Job Description	TSC Type	Purchased Months	Purchased Amount
HOPPER, CLEVE A	FIRE LIEUTENANT SUPPRESSION 56	Fernandina Bch F.D.	11.53	\$19,175.41

d. Refund of Contributions

Full Name	RANK/Job Description	Refund Amount
CARDWELL, MINDY A	POLICE OFFICER	\$4,093.37
WEBB, JUSTIN R	POLICE OFFICER	\$22,992.07

e. DROP Participant Termination of Employment

Full Name	RANK/Job Description	DROP Date	DROP Termination Date	Monthly Pension Base
ADAMS, KATHERINE C	POLICE SERGEANT	04/06/2019	03/29/2024	\$4,300.81
ADAMS, ROBERT D	POLICE SERGEANT	04/06/2019	03/29/2024	\$4,339.18
HEWETT, MICHAEL S	POLICE OFFICER	01/07/2023	03/15/2024	\$4,182.76

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Full Name	RANK/Job Description	DROP Date	DROP Termination Date	Monthly Pension Base
MIDDLETON, KENNETH D	FIREFIGHTER ENGINEER 56	04/06/2019	03/29/2024	\$3,220.42
PARKER, CHAD P	FIREFIGHTER ENGINEER 40	10/05/2019	03/08/2024	\$3,711.77
PLUMMER, WINDY M	FIREFIGHTER 40	10/02/2021	03/01/2024	\$3,292.10
WALTERS, JAMES W	POLICE SERGEANT	04/06/2019	03/29/2024	\$4,262.00

f. DROP Distributions

Full Name	Payout Option	Total DROP	Refund Amount	Rollover Amount	Bi-Weekly Distribution Amount	Bi-Weekly Payment Amount	Payout Periods
ADAMS, KATHERINE C	Bi-Weekly	\$338,052.15	\$0.00	\$0.00	\$338,052.15	\$1,123.37	1111
ADAMS, ROBERT D	Bi-Weekly	\$341,067.10	\$0.00	\$0.00	\$341,067.10	\$1,128.32	1164
HEWETT, MICHAEL S	Bi-Weekly	\$62,917.53	\$0.00	\$0.00	\$62,917.53	\$205.97	1344
MIDDLETON, KENNETH D	Bi-Weekly	\$253,131.79	\$0.00	\$0.00	\$253,131.79	\$932.37	650
PARKER, CHAD P	Bi-Weekly	\$254,846.43	\$0.00	\$0.00	\$254,846.43	\$843.09	1164
PLUMMER, WINDY M	Refund & Bi-Weekly	\$109,982.26	\$0.00	\$30,000.00	\$79,982.26	\$264.60	1164
WALTERS, JAMES W	Bi-Weekly	\$335,000.96	\$0.00	\$0.00	\$335,000.96	\$1,177.43	780
WALLNER, CARL E	Refund	\$146,756.91	\$146,756.91	\$0.00	\$0.00	N/A	N/A

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IV. Executive Director's Report

Timothy Johnson reminded the Advisory Committee of the Annual Members' Meeting to be held at the PFPF Office on Friday, April 26 at 9:00AM.

V. Old Business

None.

VI. New Business

None.

VII. Upcoming Meetings

a. Tuesday, May 14, 2024 at 9:00AM

VIII. Adjournment

9:21 A.M.

James Holderfield, Chair
Advisory Committee

Summary Prepared By:

Steve Lundy, Deputy Director
City of Jacksonville Police and Fire Pension Fund

Posted: 04/09/2024

To be Approved: 05/14/2024