

**JOURNAL OF PROCEEDINGS - BOARD OF TRUSTEES -  
POLICE & FIRE RETIREMENT SYSTEM - CITY OF DETROIT**

**PROCEEDINGS HELD THURSDAY, JUNE 16, 2005 - 9:00 A.M.  
IN THE CONFERENCE ROOM OF THE RETIREMENT SYSTEMS  
910 COLEMAN A. YOUNG MUNICIPAL CENTER  
DETROIT, MICHIGAN 48226**

**PRESENT**

<b>Marty Bandemer</b>	<b>Trustee</b>
<b>Gregory Best</b>	<b>Trustee</b>
<b>Roger Cheek</b>	<b>Ex/Officio Trustee</b>
<b>Seth Doyle</b>	<b>Ex/Officio Trustee</b>
<b>Frank English</b>	<b>Trustee</b>
<b>Laura Isom</b>	<b>Trustee &amp; Vice Chairperson</b>
<b>Sharon McPhail</b>	<b>Ex/Officio Trustee &amp; City Council Member</b>
<b>Timothy Ngare</b>	<b>Ex/Officio Trustee</b>
<b>George Orzech</b>	<b>Trustee &amp; Chairperson</b>
<b>Paul Stewart</b>	<b>Elected Trustee</b>
<b>Walter Stampor</b>	<b>Executive Secretary</b>
<b>Cynthia Thomas</b>	<b>Assistant Executive Secretary</b>
<b>Janet S. Lenear</b>	<b>Recording Secretary</b>
<b>Ronald Zajac</b>	<b>Legal Counsel</b>
<b>Richard Huddleston</b>	<b>Investment Analyst</b>
<b>Reginald O'Neal</b>	<b>Medical Director</b>

**EXCUSED**

<b>Gary Christian</b>	<b>Ex/Officio Trustee</b>
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**ABSENT**

**None**

**CHAIRPERSON**

**George Orzech**

**VICE CHAIRPERSON**

**Laura Isom**

**ROLL CALL WAS TAKEN AT 9:00 A.M. BY THE BOARD'S RECORDING SECRETARY AND THE MEETING WAS CALLED TO ORDER.**

**CLOSED SESSION**

**By Mr. Stewart - Supported by Mr. Bandemer**

**Whereas, The Board's Medical Director is now before this Body to discuss the medical and psychiatric reports of the individuals whose names are designated on the pages which follow relative to their disability retirement applications and re-examinations, Therefore Be It**

**Resolved, That the Board enter into Closed Session:**

**A Roll Call vote was taken as follows:**

**Yeas - Trustees Bandemer, Best, Cheek, English, Stewart and Chairman Orzech - 6**

**Nays - None**

**The Board entered into Closed Session at 9:01 A.M.**

**Trustees Isom, Doyle and Ngare entered the Meeting during Closed Session, as did Legal Counsel Ronald Zajac.**

**DUTY DISABILITY RETIREMENT APPLICATION**

<b>NAME, TITLE, DEPARTMENT</b>	<b>SAMUEL JACKSON - LIEUTENANT - FIRE</b>
<b>DISABILITY, PLAN, FILING DATE</b>	<b>DUTY - NEW - MARCH 15, 2005</b>
	<b>LEFT ARM</b>
<b>DOCTOR'S RECOMMENDATION</b>	<b>DISABLED, DUTY CONNECTED</b>
<b>BOARD ACTION</b>	<b>APPROVE</b>

**RE-EXAMINATIONS**

<b>NAME DEPARTMENT DISABILITY TYPE RE-EXAM NUMBER</b>	<b>CONTINUE ON DISABILITY RETIREMENT PAYROLLS</b>	<b>NO FURTHER EXAMS REQUIRED</b>	<b>MUST RECEIVE NEXT EXAM IN DETROIT</b>
<b>STEVEN BAYLOR - POLICE - NON-DUTY - 1</b>	<b>X</b>	<b>X</b>	
<b>NORMAN BROWN - FIRE - DUTY - 2</b>	<b>X</b>		
<b>TIMOTHY GILMORE - FIRE - DUTY - 1</b>	<b>X</b>		
<b>CHRIS HERNDON - FIRE - DUTY - 5</b>	<b>X</b>	<b>X</b>	
<b>WILLIAM NEALY - FIRE - DUTY - 1</b>	<b>X</b>		
<b>ESTHER PARKER - FIRE - DUTY - 3</b>	<b>X</b>		
<b>STEVEN STANLEY - FIRE - DUTY - 4</b>	<b>X</b>	<b>X</b>	
<b>NATHANIEL TURNER - FIRE - DUTY - 2</b>	<b>X</b>		
<b>PAUL PATTERSON</b>	<b>APPROVE RETURN TO WORK</b>		
<b>FIRE - DUTY - 1</b>			

**OPEN SESSION**

**By Mr. Bandemer - Supported by Mr. Best**

**Resolved, That the Board return to Open Session:**

**A Roll Call vote was taken as follows:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom,  
Ngare, Stewart and Chairman Orzech - 9**

**Nays - None**

**The Board returned to Open Session at 9:15 A.M. and Medical Director Reginald O'Neal was excused for the remainder of the Meeting.**

**SAMUEL JACKSON**

**BY MR. ENGLISH - SUPPORTED BY MR. STEWART**

**WHEREAS, SAMUEL JACKSON FILED A MARCH 15, 2005 APPLICATION FOR DUTY DISABILITY RETIREMENT, AND**

**WHEREAS, THE BOARD'S MEDICAL DIRECTOR HAS OPINED THAT MR. JACKSON IS DISABLED FOR FULL DUTY, THEREFORE BE IT**

**RESOLVED, THAT THE BOARD ACCEPT THE FINDING OF ITS MEDICAL DIRECTOR REGARDING MR. JACKSON, AND BE IT FURTHER**

**RESOLVED, THAT THE BOARD FINDS THAT SAMUEL JACKSON'S DISABILITY RESULTED FROM PERFORMANCE OF DUTY, AND BE IT FURTHER**

**RESOLVED, THAT MR. JACKSON'S APPLICATION FOR DUTY DISABILITY RETIREMENT BE HEREBY APPROVED:**

**Yeas - Trustees Bandemer, Best, Cheek, English, Stewart and Chairman Orzech - 6**

**Nays - None**

**RE-EXAMINATIONS**

**BY MR. STEWART - SUPPORTED BY MR. BANDEMER**

**RESOLVED, THAT WITH THE EXCEPTION OF PAUL PATTERSON (WHO WILL BE RETURNED TO WORK), IN ACCORDANCE WITH THE RECOMMENDATION OF THE BOARD'S MEDICAL DIRECTOR, THE RETIRANTS WHOSE NAMES ARE OUTLINED ON PAGE 4 BE CONTINUED ON THE DISABILITY RETIREMENT PAYROLLS WITH NO FURTHER EXAMS BEING NECESSARY FOR STEVEN BAYLOR, CHRIS HERNDON AND STEVEN STANLEY:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, Ngare, Stewart and Chairman Orzech - 9**

**Nays - None**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, Ngare, Stewart and Chairman Orzech - 9**

**Nays - None**

**PAUL PATTERSON**

**BY MR. ENGLISH - SUPPORTED BY MR. BANDEMER**

**RESOLVED, THAT IN ACCORDANCE WITH THE RECOMMENDATION OF THE BOARD'S MEDICAL DIRECTOR, PAUL PATTERSON BE RETURNED TO WORK AND HIS NAME BE REMOVED FROM THE DISABILITY RETIREMENT PAYROLLS AS OF THE DATE HE RETURNS TO WORK:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, Ngare, Stewart and Chairman Orzech - 9**

**Nays - None**

**RETIREMENTS**

**BY MS. ISOM - SUPPORTED BY MR. BEST**

**RESOLVED, THAT THE APPLICATIONS FOR RETIREMENT WHICH  
ARE OUTLINED BELOW BE APPROVED:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom,  
Ngare, Stewart and Chairman Orzech - 9**

**Nays - None**

**RETIREMENTS**

<b>NAME, TITLE, DEPARTMENT</b>	<b>STANLEY DURECKI - BATTALION FIRE CHIEF - FIRE</b>
<b>RETIREMENT, PLAN, OPTION, POP-UP</b>	<b>SERVICE - NEW - 2, NO POP-UP</b>
<b>SERVICE CREDIT</b>	<b>35 00 09</b>
<b>APPLICATION DATE, EFFECTIVE DATE</b>	<b>05 12 05 - 05 14 05</b>

<b>NAME, TITLE, DEPARTMENT</b>	<b>HUBERT STRICKLAND - SERGEANT - POLICE</b>
<b>RETIREMENT, PLAN, OPTION, POP-UP</b>	<b>SERVICE - NEW - 2-C</b>
<b>SERVICE CREDIT</b>	<b>36 10 29</b>
<b>APPLICATION DATE, EFFECTIVE DATE</b>	<b>05 23 05 - 07 21 05</b>

<b>NAME, TITLE, DEPARTMENT</b>	<b>DAVID ADAMS - OFFICER - POLICE</b>
<b>RETIREMENT, PLAN, OPTION, POP-UP</b>	<b>DUTY DISABILITY RETIREMENT CONVERSION - NEW - 3-A</b>
<b>SERVICE CREDIT</b>	<b>25 00 00</b>
<b>APPLICATION DATE, EFFECTIVE DATE</b>	<b>04 25 05 - 04 17 05</b>

<b>NAME, TITLE, DEPARTMENT</b>	<b>RUTH GRIFFIN - OFFICER - POLICE</b>
<b>RETIREMENT, PLAN, OPTION, POP-UP</b>	<b>SERVICE - NEW - STRAIGHT LIFE</b>
<b>SERVICE CREDIT</b>	<b>25 00 01</b>
<b>APPLICATION DATE, EFFECTIVE DATE</b>	<b>05 09 05 - 07 07 05</b>

**RETIREMENTS**

**NAME, TITLE, DEPARTMENT  
RETIREMENT, PLAN, OPTION, POP-UP  
SERVICE CREDIT  
APPLICATION DATE, EFFECTIVE DATE**

**ROBERT JONES - OFFICER - POLICE  
SERVICE - NEW - 3-C  
25 01 11  
06 02 05 - 07 08 05**

**NAME, TITLE, DEPARTMENT  
RETIREMENT, PLAN, OPTION, POP-UP  
SERVICE CREDIT  
APPLICATION DATE, EFFECTIVE DATE**

**TAWNIA KING - INVESTIGATOR - POLICE  
SERVICE - NEW - STRAIGHT LIFE  
29 08 05  
06 01 05 - 07 05 05**

**NAME, TITLE, DEPARTMENT  
RETIREMENT, PLAN, OPTION, POP-UP  
SERVICE CREDIT  
APPLICATION DATE, EFFECTIVE DATE**

**ARLIE LOVIER - SERGEANT - POLICE  
SERVICE - NEW - A-A  
34 01 25  
06 01 05 - 07 05 05**

**NAME, TITLE, DEPARTMENT  
RETIREMENT, PLAN, OPTION, POP-UP  
SERVICE CREDIT  
APPLICATION DATE, EFFECTIVE DATE**

**MARK WILSON - LIEUTENANT - FIRE  
SERVICE - NEW - STRAIGHT LIFE  
34 05 11  
06 03 05 - 07 05 05**

**NAME, TITLE, DEPARTMENT  
RETIREMENT, PLAN, OPTION, POP-UP  
SERVICE CREDIT  
APPLICATION DATE, EFFECTIVE DATE**

**GREGORY PEARN - DEPUTY FIRE CHIEF -  
FIRE  
SERVICE - NEW - 3-C  
37 09 04  
06 02 05 - 07 06 05**

**NAME, TITLE, DEPARTMENT  
RETIREMENT, PLAN, OPTION, POP-UP  
SERVICE CREDIT  
APPLICATION DATE, EFFECTIVE DATE**

**PAULA RODRIGUEZ - SERGEANT - POLICE  
SERVICE - NEW - STRAIGHT LIFE  
28 05 03  
06 07 05**

**NAME, TITLE, DEPARTMENT  
RETIREMENT, PLAN, OPTION, POP-UP  
SERVICE CREDIT  
APPLICATION DATE, EFFECTIVE DATE**

**SAMUAL MEDINA - SERGEANT - POLICE  
SERVICE - NEW - 2-A  
36 03 05  
05 24 05 - 07 09 05**

**CONFIRMATIONS**

**BY MR. STEWART - SUPPORTED BY MR. BEST**

**RESOLVED, THAT THE RECEIPTS WHICH ARE DESIGNATED  
BELOW BE CONFIRMED:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom,  
Ngare, Stewart and Chairman Orzech - 9**

**Nays - None**

**CONFIRMATIONS**

THE BOARD RECEIVED THE SUM OF **\$274,455.00** ON JUNE 6, 2005  
FROM LIBERTY LIFE'S CIII FUND

THE BOARD RECEIVED THE SUM OF **\$75,427.51** ON JUNE 7, 2005  
FROM INLAND'S RETAIL TRUST

THE BOARD RECEIVED THE SUM OF **\$2,487.55** ON JUNE 9, 2005  
FROM A CLASS ACTION PROCEEDING - JOHAN ALDEN SECURITIES

THE BOARD RECEIVED THE SUM OF **\$232,876.10** ON JUNE 14, 2005  
FROM FIDELITY'S REAL ESTATE GROWTH FUND

**REFUNDS OF ACCUMULATED CONTRIBUTIONS**

**BY MS. ISOM - SUPPORTED BY MR. STEWART**

**RESOLVED, THAT THE CONTRIBUTIONS TO THE ANNUITY  
SAVINGS FUND BY MEMBERS OF THE POLICEMEN AND FIREMEN  
RETIREMENT SYSTEM OF THE CITY OF DETROIT, AS SET  
FORTH ON LIST #3170 (WHICH IS REFERENCED AT THE END OF  
THESE PROCEEDINGS), IN THE AMOUNT OF \$1,106,460.71,**

**REFUNDS OF ACCUMULATED CONTRIBUTIONS**

**INCLUDING INTEREST, BE REFUNDED PENDING AUDIT BY  
RETIREMENT SYSTEM ACCOUNTING STAFF:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom,  
Ngare, Stewart and Chairman Orzech - 9**

**Nays - None**

**Energy Investors Fund**

**By Mr. Best - Supported by Ms. Isom**

**Whereas, The Board has been presented with a June 6, 2005  
communication from Energy Investors Fund wherein Energy  
Investors requests that the Board fund its portion of the Capital  
Installment due for Energy Investors' U.S. Power Fund in the  
amount of \$673,320.00, Therefore Be It**

**Resolved, That subject to final approval of all transaction  
documents by the Boards Legal Counsel, the Board approve said  
funding:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom,  
Ngare, Stewart and Chairman Orzech - 9**

**Nays - None**

**BILL PAYMENT REQUESTS**

**BY MR. BEST - SUPPORTED BY MR. DOYLE**

**WHEREAS, THE BOARD IS IN RECEIPT OF THE FOLLOWING BILLINGS REQUESTING PAYMENT FOR SERVICES RENDERED, AND**

**WHEREAS, THE BOARD IS SATISFIED THAT SERVICES WERE PROVIDED TO THE BOARD AS REQUESTED BY THE BOARD, THEREFORE BE IT**

**RESOLVED, THAT SUBJECT TO STAFF AUDIT, THE BOARD APPROVE PAYMENT OF SAID BILLINGS:**

**FIRM OR INDIVIDUAL, DATE, AMOUNT, SERVICE(S) PROVIDED**

**ADP - JUNE 10, 2005 - \$5,404.51 - POLICE AND FIRE PORTION OF \$10,809.02 - CONTRACT/MISCELLANEOUS SERVICES - ACCOUNTS RECEIVABLE #00191-205022**

**ADP - JUNE 3, 2005 - \$125.00 - POLICE AND FIRE PORTION OF \$250.00 CONTRACT/MISCELLANEOUS SERVICES - ACCOUNTS RECEIVABLE #00191-205022**

**CRAIN'S - JUNE 3, 2005 - \$59.00 - SUBSCRIPTION FEE**

**EARTH LINK - MAY 29, 2005 - \$18.91 - POLICE AND FIRE PORTION OF \$37.82 - TRUSTEE INTERNET SERVICE**

**ELEMENT JOURNALS - MAY 31, 2005 - \$83.50 - POLICE AND FIRE PORTION OF \$167.00 - OFFICE SUPPLIES**

**FORBES MAGAZINE - APRIL 19, 2005 - \$34.98 - POLICE AND FIRE PORTION OF \$69.95 - OFFICE SUPPLIES**

**BILL PAYMENT REQUESTS**

**FIRM OR INDIVIDUAL, DATE, AMOUNT, SERVICE(S) PROVIDED**

**FORMS TRAC - JUNE 1, 2005 - \$520.00 - POLICE AND FIRE  
PORTION OF \$1,040.00 - CUSTOM BUSINESS CARDS**

**GABRIEL, ROEDER, SMITH & COMPANY - JUNE 1, 2005 -  
\$4,150.00 - JUNE, 2005 SERVICES**

**GABRIEL, ROEDER, SMITH & COMPANY - MAY 31, 2005 -  
\$23,294.00 - 2004 PERSONAL BENEFIT STATEMENTS**

**GABRIEL, ROEDER, SMITH & COMPANY - JUNE 16, 2005 -  
\$200.00 - EDRO - ELLEN HOLMES**

**HENRY FORD HEALTH SYSTEM - APRIL 25, 2005 - \$970.00 -  
EXAMINATION - JOHN HALL**

**IRON MOUNTAIN - MAY 31, 2005 - \$713.19 - POLICE AND FIRE  
PORTION OF \$1,426.38 - CONTRACT/MISCELLANEOUS SERVICES  
- IDENTIFICATION #L-166-D**

**IRON MOUNTAIN - MAY 31, 2005 - \$85.74 - POLICE AND FIRE  
PORTION OF \$171.48 - CONTRACT/MISCELLANEOUS SERVICES -  
IDENTIFICATION #LV-23-D**

**LASER SUBSTRATES - JUNE 6, 2005 - \$132.24 - POLICE AND  
FIRE PORTION OF \$264.48 - OFFICE SUPPLIES**

**MAYFIELD GENTRY - JUNE 14, 2005 - \$76,640.00 - JUNE, 2005  
ASSET MANAGEMENT AND SERVICING FEES**

**MAYFIELD GENTRY - JUNE 14, 2005 - \$14,465.00 - PROJECT  
MANAGEMENT FEE - DUBLIN PLACE SHOPPING CENTER**

**BILL PAYMENT REQUESTS**

**FIRM OR INDIVIDUAL, DATE, AMOUNT, SERVICE(S) PROVIDED**

**MAYFIELD GENTRY - JUNE 14, 2005 - \$99,333.56 -  
OPERATIONAL EXPENSES, ADDITIONAL OPERATIONAL  
EXPENSES AND CAPITAL EXPENSES - GRAND PARK CENTRE**

**MILLENNIUM BUSINESS SYSTEMS - JUNE 1, 2005 - \$5.00 -  
POLICE AND FIRE PORTION OF \$10.00 - OFFICE SUPPLIES**

**TOWNSEND GROUP, THE - JUNE 1, 2005 - \$11,250.00 - JUNE,  
2005 FEES**

**VANOVERBEKE, MICHAUD & TIMMONY - MAY 27, 2005 - \$140.00  
- APRIL, 2005 SERVICES - MORTIERE LITIGATION**

**VIKING OFFICE PRODUCTS - JUNE 6, 2005 - \$6.72 - POLICE AND  
FIRE PORTION OF \$13.44 - OFFICE SUPPLIES**

**VIKING OFFICE PRODUCTS - JUNE 4, 2005 - \$217.25 - POLICE  
AND FIRE PORTION OF \$434.49 - OFFICE SUPPLIES**

**VIKING OFFICE PRODUCTS - JUNE 6, 2005 - \$239.25 - POLICE  
AND FIRE PORTION OF \$478.50 - OFFICE SUPPLIES**

**WALL STREET JOURNAL, THE - JUNE 8, 2005 - \$199.00 -  
SUBSCRIPTION FEE**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom,  
Ngare, Stewart and Chairman Orzech - 9**

**Nays - None**

**EX/OFFICIO TRUSTEE NGARE EXCUSED HIMSELF.**

**Ronald Adams**

**By Mr. English - Supported by Mr. Best**

**Whereas, The Board of Trustees is in receipt of a letter from the Chief of Police dated June 14, 2005 wherein the Police Department cites the Act 312 Award, Sections 7 and 8, which reads as follows:**

**7**

**The Board of Trustees shall not act upon or grant the application filed by an officer who, although he is not capable of performing the full duties of a police officer, has not suffered any diminishment of his base wages or benefits because he is either a) regularly assigned to a position, the full duties of which he is capable of performing; or b) assigned to a restricted duty position, unless the Police Department advises that it intends to seek a disability retirement for the officer in the foreseeable future.**

**8**

**The provisions in paragraph seven (7) above are not intended to and will not a) affect the officer's right to seek a disability retirement when no restricted duty position is available; or b) restrict, in any way, the existing authority of the Chief of Police to seek a duty or non-duty disability retirement for an officer or for that officer, at that time, to request a duty or non-duty disability retirement; and**

**Whereas, A May 16, 2005 duty disability application was submitted to the Board of Trustees by Ronald Adams, and**

**Whereas, The Police Department states that Mr. Adams is currently regularly assigned to a position, the full duties of which he is capable of performing, and the Board has discussed this matter with Legal Counsel who has given a verbal legal opinion consistent with this motion, Therefore Be It**

**Resolved, That NO ACTION be taken regarding Mr. Adams' application for duty disability retirement until further notice, and Mr. Adams and the Police Department be afforded a copy of this resolution:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, Stewart and Chairman Orzech - 8**

**Nays - None**

**Jimmye Johnson**

**By Mr. English - Supported by Mr. Best**

**Whereas, The Board of Trustees is in receipt of a letter from the Chief of Police dated June 14, 2005 wherein the Police Department cites the Act 312 Award, Sections 7 and 8, which reads as follows:**

**7**

**The Board of Trustees shall not act upon or grant the application filed by an officer who, although he is not capable of performing the full duties of a police officer, has not suffered any diminishment of his base wages or benefits because he is either a) regularly assigned to a position, the full duties of which he is capable of performing; or b) assigned to a restricted duty position, unless the Police Department advises that it intends to seek a disability retirement for the officer in the foreseeable future.**

**8**

**The provisions in paragraph seven (7) above are not intended to and will not a) affect the officer's right to seek a disability retirement when no restricted duty position is available; or b) restrict, in any way, the existing authority of the Chief of Police to seek a duty or non-duty disability retirement for an officer or for that officer, at that time, to request a duty or non-duty disability retirement; and**

**Whereas, An April 29, 2005 duty disability application was submitted to the Board of Trustees by Jimmye Johnson, and**

**Whereas, The Police Department states that Mr. Johnson is currently regularly assigned to a position, the full duties of which he is capable of performing, and the Board has discussed this matter with Legal Counsel who has given a verbal legal opinion consistent with this motion, Therefore Be It**

**Resolved, That NO ACTION be taken regarding Mr. Johnson's application for duty disability retirement until further notice, and Mr. Johnson and the Police Department be afforded a copy of this resolution:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, Stewart and Chairman Orzech - 8**

**Nays - None**

**Deborah Lee**

**By Mr. English - Supported by Mr. Best**

**Whereas, The Board of Trustees is in receipt of a letter from the Chief of Police dated June 14, 2005 wherein the Police Department cites the Act 312 Award, Sections 7 and 8, which reads as follows:**

**7**

**The Board of Trustees shall not act upon or grant the application filed by an investigator who, although she is not capable of performing the full duties of an investigator, has not suffered any diminishment of her base wages or benefits because she is either a) regularly assigned to a position, the full duties of which she is capable of performing; or b) assigned to a restricted duty position, unless the Police Department advises that it intends to seek a disability retirement for the investigator in the foreseeable future.**

**8**

**The provisions in paragraph seven (7) above are not intended to and will not a) affect the investigator's right to seek a disability retirement when no restricted duty position is available; or b) restrict, in any way, the existing authority of the Chief of Police to seek a duty or non-duty disability retirement for an investigator or for that investigator, at that time, to request a duty or non-duty disability retirement; and**

**Whereas, A May 26, 2005 duty disability application was submitted to the Board of Trustees by Deborah Lee, and**

**Whereas, The Police Department states that Ms. Lee is currently regularly assigned to a position, the full duties of which she is capable of performing, and the Board has discussed this matter with Legal Counsel who has given a verbal legal opinion consistent with this motion, Therefore Be It**

**Resolved, That NO ACTION be taken regarding Ms. Lee's application for duty disability retirement until further notice, and Ms. Lee and the Police Department be afforded a copy of this resolution:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, Stewart and Chairman Orzech - 8**

**Nays - None**

**CONFERENCE**

**By Mr. English - Supported by Mr. Doyle**

**Resolved, That the Board approve the attendance of its Investment Analyst at the below-referenced conference, and be it further**

**Resolved, That the Board approve expenditures for its Investment Analyst to attend said conference:**

**Guns & Hoses Conference**

**Nevada**

**September 24, 2005 - September 29, 2005**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, Stewart and Chairman Orzech - 8**

**Nays - None**

**ALLAN C. YOUNG & ASSOCIATES**

**THE BOARD DISCUSSED REAL ESTATE PROPERTY REVIEWS VERSUS AUDITS WITH JAMES WILDE VIA SPEAKER CONFERENCE.**

**AUDIT OF REAL ESTATE PROPERTIES WHEN UNDER  
MANAGEMENT OF CAPOZZOLI ADVISORY FOR PENSIONS, INC.**

**BY MR. STEWART - SUPPORTED BY MS. ISOM**

**WHEREAS, THE BOARD IS IN RECEIPT OF A JUNE 13, 2005  
COMMUNICATION FROM MAYFIELD GENTRY WHEREIN  
MAYFIELD GENTRY RECOMMENDS THAT THE BOARD PROCEED  
WITH A FULL FINANCIAL AUDIT OF THE BOARD'S REAL ESTATE  
PROPERTIES WHEN UNDER THE MANAGEMENT OF CAPOZZOLI  
ADVISORY FOR PENSIONS, INC. IN 2003, AND**

**WHEREAS, THE BOARD HAS DISCUSSED THE  
RECOMMENDATION OF MAYFIELD GENTRY, THEREFORE BE IT**

**RESOLVED, THAT ALAN C. YOUNG & ASSOCIATES BE DIRECTED  
TO PERFORM SAID AUDIT, SUBJECT TO THE EXECUTION OF A  
FEE AGREEMENT SATISFACTORY TO THE BOARD AND GENERAL  
COUNSEL, AND BE IT FURTHER**

**RESOLVED, THAT A COPY OF THIS RESOLUTION BE  
FORWARDED TO ALAN C. YOUNG & ASSOCIATES:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom  
And Stewart - 7**

**Nays - Chairman Orzech - 1**

**SOLITRON**

**THE BOARD DISCUSSED SOLITRON'S DEBT SETTLEMENT OFFER  
WITH ITS INVESTMENT ANALYST (RICK HUDDLESTON) AND  
REQUESTED THAT HE SUBMIT SAME TO TWO OF THE BOARD'S  
HIGH YIELD MANAGERS FOR THEIR RESPECTIVE OPINIONS.**

**ADVENT CAPITAL MANAGEMENT**

**THE BOARD DISCUSSED ADVENT CAPITAL MANAGEMENT WITH ADRIAN ANDERSON VIA SPEAKER CONFERENCE.**

**EX/OFFICIO TRUSTEE NGARE RE-JOINED THE MEETING DURING THE BOARD'S DISCUSSION WITH MR. ANDERSON.**

**STAFF ISSUES**

**FOR THE PURPOSE OF DISCUSSING CERTAIN STAFF ISSUES, THE CHAIRMAN REQUESTED THAT A MOTION BE MADE FOR THE BOARD TO ENTER INTO CLOSED SESSION.**

**CLOSED SESSION**

**By Mr. Best - Supported by Mr. English**

**Resolved, That the Board enter into Closed Session for the purpose of discussing certain staff issues:**

**A Roll Call Vote was taken as follows:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, Ngare, Stewart and Chairman Orzech - 9**

**Nays - None**

**The Board entered into Closed Session at 10:32 A.M.**

**Chairman Orzech then asked the Board's Recording Secretary to excuse herself.**

**Closed Session having concluded, the motion which follows was made:**

**OPEN SESSION**

**By Mr. Doyle - Supported by Mr. Bandemer**

**Resolved, That the Board return to Open Session:**

**A Roll Call Vote was taken as follows:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom,  
Ngare, Stewart and Chairman Orzech - 9**

**Nays - None**

**The Board returned to Open Session at 10:55 A.M. and the  
Board's Recording Secretary re-joined the Meeting.**

**EX/OFFICIO TRUSTEE SHARON MCPHAIL ENTERED THE  
MEETING.**

**The Bank of New York/Switzerland Claim to Refund**

**By Ms. Isom - Supported by Mr. Doyle**

**Whereas, The Board has been requested to execute a  
"U.S./Switzerland Claim to Refund" relative to the foregoing  
transaction, and**

**Whereas, The execution of said document has been  
recommended by the Board's custodial bank, and**

**Whereas, The execution of said document has been reviewed  
and approved as to form by the Board's Legal Counsel, and the  
execution of said document is consistent with prior action of the  
Board, Therefore Be It**

**The Bank of New York/Switzerland Claim to Refund**

**Resolved, That said document be executed by two (2) authorized signatories on behalf of the Board, and be it further**

**Resolved, That the executed original document be forwarded to the appropriate party, and be it further**

**Resolved, That the Retirement System retain copies of said executed original document:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, McPhail, Ngare, Stewart and Chairman Orzech - 10**

**Nays - None**

**LEGAL COUNSEL'S REPORTS**

**LEGAL COUNSEL RONALD ZAJAC DISCUSSED VARIOUS MATTERS WITH THE BOARD, INCLUDING CLARK HILL, THE IRS, CATHERINE MORTIERE (LITIGATION), 11-12 MEMBER BOARD LITIGATION, DETROIT POLICE AND FIRE RETIREMENT SYSTEM VERSUS THE CITY OF DETROIT, FRITZ VERSUS FRITZ AND MCDONALD VERSUS TAYLOR.**

**DETROIT POLICE AND FIRE RETIREMENT SYSTEM  
VERSUS THE CITY OF DETROIT**

**LEGAL COUNSEL PROVIDED EACH BOARD MEMBER WITH A COPY OF A JUNE 6, 2005 COMMUNICATION FROM THE STATE OF MICHIGAN'S COURT OF APPEALS TO SPECIAL COUNSEL REGARDING THE ABOVE-CAPTIONED LITIGATION.**

**DETROIT POLICE AND FIRE RETIREMENT SYSTEM  
VERSUS THE CITY OF DETROIT (AMORTIZATION)**

**LEGAL COUNSEL PROVIDED EACH BOARD MEMBER WITH A COPY OF A JUNE 9, 2005 COMMUNICATION FROM SPECIAL COUNSEL CHRIS LEGGHIO TO GENERAL COUNSEL REGARDING THE ABOVE-CAPTIONED LITIGATION.**

**CATHERINE MORTIERE LITIGATION**

**LEGAL COUNSEL PROVIDED EACH BOARD MEMBER WITH A COPY OF A JUNE 9, 2005 COMMUNICATION FROM SPECIAL COUNSEL JACK TIMMONY TO THE CLERK OF THE COURT, WAYNE COUNTY CIRCUIT COURT REGARDING THE ABOVE-CAPTIONED LITIGATION.**

**FRITZ VERSUS FRITZ  
WAYNE COUNTY CASE #04413472-DO**

**BY MR. DOYLE - SUPPORTED BY MS. ISOM**

**WHEREAS, THE BOARD IS IN RECEIPT OF A MAY 19, 2005 ELIGIBLE DOMESTIC RELATIONS ORDER WHICH AMENDS/SUPPLEMENTS A FEBRUARY 7, 2005 JUDGMENT OF DIVORCE WHEREIN MARY ANNE FRITZ IS AWARDED CERTAIN RIGHTS TO THE DEFINED BENEFIT PLAN BENEFITS OF LEONARD FRITZ WHO IS CURRENTLY AN ACTIVE EMPLOYEE, AND**

**WHEREAS, THE BOARD HAS BEEN INFORMED THAT PARTICIPANT IS ELIGIBLE TO IMMEDIATELY RETIRE, AND**

**WHEREAS, PARTICIPANT'S DATE OF BIRTH IS MAY 19, 1945, AND, TO DATE, PARTICIPANT HAS ATTAINED APPROXIMATELY 38 YEARS, 12 MONTHS AND 17 DAYS OF SERVICE CREDIT, AND**

**WHEREAS, ALTERNATE PAYEE IS NOT ENTITLED TO CLAIM A PORTION OF PARTICIPANT'S DEFINED CONTRIBUTION PLAN BECAUSE ALL AMOUNTS WERE PREVIOUSLY WITHDRAWN FROM THE DEFINED CONTRIBUTION PLAN, BUT ALTERNATE PAYEE IS ENTITLED TO CLAIM A PORTION OF PARTICIPANT'S DEFINED BENEFIT PLAN, AND**

**WHEREAS, THE EARLIEST DATE THAT PAYMENTS FROM THE DEFINED BENEFIT PLAN CAN BE MADE TO THE PARTICIPANT OR ALTERNATE PAYEE IS IMMEDIATELY, AND**

**WHEREAS, THE BOARD'S POLICY IS TO REQUIRE THAT THE COST FOR THE ACTUARY'S CALCULATIONS ARE TO BE BORNE BY THE PARTIES TO THE DOMESTIC RELATIONS PROCEEDINGS, AND THE COURT ORDER PROVIDES FOR THE PARTIES TO SHARE THE COST OF THE ACTUARY'S FEES, AND**

**FRITZ VERSUS FRITZ  
WAYNE COUNTY CASE #04413472-DO**

**WHEREAS, SAID MATTER HAS BEEN DISCUSSED WITH LEGAL COUNSEL WHO HAS OPINED THAT THE APPLICABLE TERMS OF SAID COURT ORDER ARE CONSISTENT WITH THE PROVISIONS OF THE RETIREMENT SYSTEM AND APPLICABLE LAW, INCLUDING PUBLIC ACT 46 OF 1991 (MCLA 38.1701), AS APPLICABLE, THEREFORE BE IT**

**RESOLVED, THAT THE BOARD ACKNOWLEDGE RECEIPT OF SAID COURT ORDER AND PAY PENSION BENEFITS CONSISTENT WITH SAID COURT ORDER, A COPY OF THIS RESOLUTION BE IMMEDIATELY ATTACHED AS THE TOP SHEET OF THE PENSION FILE, OTHER APPROPRIATE RECORDS BE RETAINED BY THE RETIREMENT SYSTEM RELATIVE TO THIS MATTER, AND A COPY OF THIS RESOLUTION BE FORWARDED TO ATTORNEY CHRISTINE WEINREICH, ATTORNEY ARTHUR BRAND, MARY ANNE FRITZ AND LEONARD FRITZ:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, McPhail, Ngare, Stewart and Chairman Orzech - 10**

**Nays - None**

**MCDONALD VERSUS TAYLOR  
WAYNE COUNTY CASE #02-233690-DO**

**BY MR. DOYLE - SUPPORTED BY MS. ISOM**

**WHEREAS, THE BOARD IS IN RECEIPT OF A JUNE 1, 2005 ELIGIBLE DOMESTIC RELATIONS ORDER WHICH AMENDS/SUPPLEMENTS AN OCTOBER 15, 2003 JUDGMENT OF DIVORCE WHEREIN CAROL ANN TAYLOR IS AWARDED CERTAIN RIGHTS TO THE DEFINED BENEFIT PLAN BENEFITS OF ORAN MCDONALD, AND**

**WHEREAS, THE BOARD HAS BEEN INFORMED THAT PARTICIPANT RETIRED EFFECTIVE FEBRUARY 10, 2005 ON A STRAIGHT LIFE RETIREMENT, AND**

**WHEREAS, PARTICIPANT'S DATE OF BIRTH IS JUNE 26, 1947, AND**

**WHEREAS, ALTERNATE PAYEE IS NOT ENTITLED TO CLAIM A PORTION OF PARTICIPANT'S DEFINED CONTRIBUTION PLAN BECAUSE ALL AMOUNTS WERE PREVIOUSLY WITHDRAWN FROM THE DEFINED CONTRIBUTION PLAN, BUT ALTERNATE PAYEE IS (SUBJECT TO THE ENTRY OF A DOMESTIC RELATIONS ORDER) ENTITLED TO CLAIM A PORTION OF PARTICIPANT'S DEFINED BENEFIT PLAN, BUT ONLY DURING PARTICIPANT'S LIFETIME, AND**

**WHEREAS, THE EARLIEST DATE THAT PAYMENTS FROM THE DEFINED BENEFIT PLAN CAN BE MADE TO THE PARTICIPANT OR ALTERNATE PAYEE IS IMMEDIATELY, SUBJECT TO THE ENTRY OF A DOMESTIC RELATIONS ORDER, AND**

**MCDONALD VERSUS TAYLOR  
WAYNE COUNTY CASE #02-233690-DO**

**WHEREAS, SAID MATTER HAS BEEN DISCUSSED WITH LEGAL COUNSEL WHO HAS OPINED THAT THE APPLICABLE TERMS OF SAID COURT ORDER ARE NOT CONSISTENT WITH THE PROVISIONS OF THE RETIREMENT SYSTEM AND APPLICABLE LAW, BECAUSE PUBLIC ACT 46 OF 1991 (MCLA 38.1701) DOES NOT APPLY TO PERSONS WHO HAVE ALREADY RETIRED, THEREFORE BE IT**

**RESOLVED, THAT THE BOARD ACKNOWLEDGE RECEIPT OF SAID COURT ORDER AND PAY PENSION BENEFITS CONSISTENT WITH SAID COURT ORDER, SUBJECT TO THE ENTRY OF A DOMESTIC RELATIONS ORDER AND FURTHER SUBJECT TO AN APPLICATION BEING FILED BY THE PARTY SEEKING PAYMENT, A COPY OF THIS RESOLUTION BE IMMEDIATELY ATTACHED AS THE TOP SHEET OF THE PENSION FILE, OTHER APPROPRIATE RECORDS BE RETAINED BY THE RETIREMENT SYSTEM RELATIVE TO THIS MATTER, AND A COPY OF THIS RESOLUTION BE FORWARDED TO ATTORNEY SHARON PAYNE, ATTORNEY ARTHUR BRAND, CAROL ANN TAYLOR AND ORAN MCDONALD:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, McPhail, Ngare, Stewart and Chairman Orzech - 10**

**Nays - None**

**INTERNAL REVENUE SERVICE**

**LEGAL COUNSEL INFORMED THE BOARD THAT ON OR ABOUT JUNE 13, 2005, THE IRS ISSUED A REFUND CHECK TO THE BOARD IN THE AMOUNT OF \$1,427,066.08.**

**INTERNAL REVENUE SERVICE REFUND CHECK**

**BY MR. ENGLISH - SUPPORTED BY MR. STEWART**

**WHEREAS, ON OR ABOUT JUNE 13, 2005, THE IRS ISSUED A REFUND CHECK TO THE BOARD IN THE AMOUNT OF \$1,427,066.08, BUT DID NOT PROVIDE THE BOARD WITH AN EXPLANATION AS TO WHY SAID CHECK WAS ISSUED TO THE BOARD, AND**

**WHEREAS, THE BOARD HAS DISCUSSED THIS MATTER, THEREFORE BE IT**

**RESOLVED, THAT THE IRS BE REQUESTED TO IMMEDIATELY ADVISE THE BOARD OF THE REASON FOR THE BOARD'S RECEIPT OF SAID REFUND:**

**Yeas - Trustees Bandemer, Best, Doyle, English, McPhail, Ngare, Stewart and Chairman Orzech - 8**

**Nays - Trustees Cheek and Isom - 2**

**NON-DUTY WIDOW AND CHILDREN'S PENSIONS**

**BY MR. DOYLE - SUPPORTED BY MR. BEST**

**RESOLVED, THAT THE FOLLOWING APPLICATIONS FOR NON-DUTY WIDOW AND CHILDREN'S PENSIONS BE APPROVED:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, McPhail, Ngare, Stewart and Chairman Orzech - 10**

**Nays - None**

**NON-DUTY WIDOW AND CHILDREN'S PENSIONS**

**NAME, TITLE, DEPARTMENT**

**RETIREMENT, PLAN, OPTION, POP-UP  
SERVICE CREDIT**

**APPLICATION DATE, EFFECTIVE DATE**

**TAMARA MOSS - WIDOW OF DECEASED**

**WINFRED MOSS - SERGEANT - FIRE**

**NON-DUTY, WIDOW - NEW - 2, NO POP-UP**

**19 03 15**

**06 03 05 - 05 18 05**

**NAME, TITLE, DEPARTMENT**

**RETIREMENT, PLAN, OPTION, POP-UP  
SERVICE CREDIT**

**APPLICATION DATE, EFFECTIVE DATE**

**KAILA MOSS - CHILD OF DECEASED**

**WINFRED MOSS - SERGEANT - FIRE**

**NON-DUTY, CHILD - NEW - 2, NO POP-UP**

**19 03 15**

**06 03 05 - 05 18 05**

**NAME, TITLE, DEPARTMENT**

**RETIREMENT, PLAN, OPTION, POP-UP  
SERVICE CREDIT**

**APPLICATION DATE, EFFECTIVE DATE**

**JALEN MOSS - CHILD OF DECEASED**

**WINFRED MOSS - SERGEANT - FIRE**

**NON-DUTY, CHILD - NEW - 2, NO POP-UP**

**19 03 15**

**06 03 05 - 05 18 05**

**OM GROUP**

**TRUSTEE CHEEK AND LEGAL COUNSEL DISCUSSED THE OM GROUP AT LENGTH WITH THE BOARD.**

**OM GROUP**

**BY MR. CHEEK - SUPPORTED BY MS. ISOM**

**WHEREAS, LEGAL COUNSEL AND TRUSTEE CHEEK PROVIDED THE BOARD WITH A STATUS UPDATE REGARDING THE RESULTS OF THE FEDERAL COURT MEDIATION HEARING HELD IN NEW YORK IN APRIL, 2005, AND**

**WHEREAS, SPECIAL COUNSEL, LEGAL COUNSEL AND TRUSTEE CHEEK HAVE RECOMMENDED THAT THE BOARD, AS LEAD PLAINTIFF, AND ON BEHALF OF THE MEMBERS OF THE CLASS OF SHAREHOLDERS, APPROVE THE PROPOSED SETTLEMENT AMOUNT, AND**

**WHEREAS, THE BOARD HAS DISCUSSED THIS MATTER, THEREFORE BE IT**

**RESOLVED, THAT THE BOARD APPROVE THE SETTLEMENT AMOUNT AND THAT AT THE APPROPRIATE TIME, THE SETTLEMENT AMOUNT BE MADE A MATTER OF RECORD, SUBJECT TO ALL REQUIREMENTS OF TEMPORARY CONFIDENTIALITY BEING MET, AND BE IT FURTHER**

**RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO SPECIAL COUNSEL BERNSTEIN, LITOWITZ, BERGER AND GROSSMANN:**

**Yeas - Trustees Bandemer, Best, Cheek, Doyle, English, Isom, McPhail, Ngare, Stewart and Chairman Orzech - 10**

**Nays - None**

**PUBLIC FORUM**

**AT 12:05 P.M., CHAIRPERSON ORZECH DECLARED THE MEETING IN OPEN FORUM FOR GENERAL DISCUSSION BY THE PUBLIC ATTENDING THE MEETING.**

**ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS BEFORE THE BOARD, CHAIRPERSON ORZECH ADJOURNED THE MEETING AT 12:15 P.M. UNTIL THURSDAY, JUNE 23, 2005, AT 9:00 A.M., IN ROOM 910 OF THE COLEMAN A. YOUNG MUNICIPAL CENTER, DETROIT, MICHIGAN 48226.**

**RESPECTFULLY SUBMITTED,**

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**ASSISTANT EXECUTIVE SECRETARY**