



City of Apache Junction, Arizona

Meeting Minutes

Public Safety Personnel Retirement Board

Meeting location:
Executive Session
Conference Room
300 E. Superstition Blvd.
Building E
Apache Junction, AZ 85119

apachejunctionaz.gov
(480) 982-8002

Thursday, August 17, 2023

3:30 PM

City Council Executive Conference Room

A. CALL TO ORDER

Chairman Wilson called the meeting to order at 3:34 p.m.

B. ROLL CALL

Present: 3 - **Chairman Wilson**
Ernest Eaton (Police)
Jaime Lanza (Citizen Member)

Staff Present:

Jennifer Pena, Board Secretary
Yvette McKinney, Deputy Board Secretary
Michael Pooley, Police Chief
Jill Swanson, HR Analyst
Joe Penze, Commander

Others Present:

Cynthia Kelley, Board Attorney - video conference
Timothy Gearhart
Dr. Robbie Tapia - video conference

C. AGENDA ITEMS

1. [23-439](#) Discussion and possible approval of the March 16, 2023 minutes.

Jaime Lanza moved, seconded by Ernest Eaton to approve the meeting minutes of March 16, 2023. Motion passed 3-0 (Chairman Wilson, Officer Eaton, Jaime Lanza)

2. [23-441](#) Discussion and possible action on the Accidental Disability Retirement application of Police Officer Timothy Gearhart.

Jaime Lanza (citizen) moved, seconded by Officer Eaton to deny the application for accidental disability based on the IME's findings and his report.

Motion passed 3-0. (Chairman Wilson, Officer Eaton, Jaime Lanza)

Chairman Wilson asked Officer Gearhart if he would like to address the Board with any comments or provide additional information for the Board to consider.

Officer Gearhart stated he had reviewed the report from Dr. Kirkorsky, the IME, and hoped the Board reviewed the reports from his Dr.'s.

He stated he had researched Dr. Kirkorsky and realized he does not specialize in PTSD, while he is a Dr. of Psychiatry, his specialty is on addiction.

Board Secretary Pena stated that Dr. Tapia was present (via video conference) at the request of Mr. Gearhart to further address items in Dr. Kirkorsky's report.

Dr. Tapia stated there are currently no guidelines when choosing an IME, but she has been discussing the need for some criteria for choosing Dr.'s who have a specialty area for the issue they are evaluating. She stated there were things in the report that concerned her. She addressed the methodology and assessment tools Dr. Kirkorsky used and alleged the assessment tools were outdated. She addressed the findings that Dr. Kirkorsky addressed in the Accidental Disability Questionnaire that the IME and Board must answer.

Dr. Tapia stated the question that needs to be answered is whether the condition came from on the job exposure and that it is not possible to differentiate a diagnosis between trauma events vs. personal issues that would lead to a diagnosis of adjustment disorder without being exposed to trauma. She stated the diagnosis Dr. Kirkorsky provided would not be able to be diagnosed without some sort of exposure to trauma.

She stated Dr. Kirkorsky did not include all the traumas and dismissed them due to the delay in Officer Gearhart seeking treatment vs. how long it took for the symptoms to start.

She referenced the study she sent over to the board the day before the meeting. Both of these links were specific to PTSD. One was to a study conducted by the Federal Dept. of Justice specific to law enforcement.

Chairman Wilson asked the Board if they had any questions.

Officer Eaton inquired about access to the application Officer Gearhart submitted to the Town of Queen Creek. Secretary Pena stated at this time the Board does not. Officer Eaton was curious as to the timing of the submittal of the application and what was on the application.

Ms. Pena asked Board Attorney Kelley to address the Board. Ms. Kelley requested the Board call an executive session to discuss the IME report and the Board's options.

Chair Wilson recessed the regular meeting at 3:50 p.m. to convene an executive session. Dr. Tapia left the video conference and Officer Gearhart was escorted to the lobby to wait.

Chairman Wilson reconvened the regular meeting at 4:17 p.m. Officer Gearhart rejoined the meeting at this time.

Chairman Wilson read Item No. 2 Discussion and Possible Action on the Accidental Disability Retirement application of Police Officer Tim Gearhart and asked if there was any further discussion or motion on the item.

Mr. Lanza moved, seconded by Officer Eaton to deny the application for Accidental Disability based on the IME's report. Motion passed 3-0 (Chairman Wilson, Officer Eaton, Jaime Lanza)

Ms. Pena informed Officer Gearhart she will proceed with a letter to him and the State Board regarding the decision and what his options are. She stated if he wished to leave at this time he could, the only other matter on the agenda was possible discussion of local board procedures.

Officer Gearhart then left the meeting.

3. [23-442](#) Motion to adjourn to Executive Session, if necessary, pursuant to A.R.S. §§ 38-431.03(A)(2) and 38-431.03(A)(3).
- A. Records Confidential by Law (A.R.S. § 38-431.03(A)(2))
The Board may consider and discuss records and information exempt by law from public inspection received and considered pursuant to Item 2.
- B. Legal Advice (A.R.S. § 38-431.03(A)(3))
The Board may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

Chairman Wilson called for an executive session at 3:50 p.m.

Board Attorney Cynthia Kelley reminded the Board everything they talk about in executive session remains confidential and is not to be discussed with anyone outside the executive session and no voting or action is taken in executive session.

4. [23-443](#) Direction to Staff
- This item allows the Board to direct staff on specifically listed matters.*
5. [23-451](#) Future Agenda Items:
Presentation and discussion on adopting the Public Safety Personnel Retirement System Rules of Local Board Procedures.

Ms. Pena stated she will present the Board with local procedures. They may wish to adopt them, if they do not, then the Board will continue following the State Boards procedures.

D. ADJOURNMENT

Chairman Wilson adjourned the meeting at 4:25 p.m.