



MINUTES
CITY OF APACHE JUNCTION, ARIZONA
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM
LOCAL PENSION BOARD MEETING - POLICE
FEBRUARY 16, 2022

A meeting of the Public Safety Local Police Pension Board of Apache Junction, Arizona, was held in the Executive Conference Room, 300 E. Superstition Blvd, on December 1, 2021, at 3:30 p.m. pursuant to the notice required by law.

MEMBERS PRESENT

Chip Wilson, Chairman
Chris Sabo, (Police)
Earnest Eaton (Police)
Jaime Lanza (citizen member)
C. E. Beal (citizen member)

MEMBERS ABSENT

STAFF PRESENT

Jennifer Pena, Board Secretary

Legal Counsel Present

Cynthia Kelley

OTHERS PRESENT

Dale Norris, Law Office of Dale Norris, Mr. Buehler's legal counsel (via Zoom online)

A. Call to Order

Chair Chip Wilson called the meeting to order at 3:30 p.m.

B. Roll Call

C. Agenda

AGENDA

Board Secretary Pena introduced the Boardmembers to Mr. Buehler's legal counsel Dale Norris.

1. Consideration of approval of the August 19, 2021 Board meeting minutes.

Boardmember Chris Sabo **moved, seconded** by Boardmember C.E. Beal to approve the minutes of December 1, 2021. Motion passed 5-0.

2. Motion to Adjourn to Executive Session, if necessary, pursuant to A.R.S. §§ 38-431.03(A)(2) and 38-431.03(A)(3)

Board Legal Counsel Cynthia Kelly stated she would like to provide the Board legal advice on items 3 and 4. Chair Wilson adjourned the Board to Executive Session at 3:32 p.m.

Board Legal Counsel Cynthia Kelly stated everything that is discussed in executive session remains confidential and cannot be discussed with any other party at any time that includes after the executive session recesses. The discussion held within executive session will always remain confidential.

During the Executive Session, the Board considered the matter for Agenda item 4. The Board meeting reconvened at 4:04 p.m.

4. Discussion and possible action on the Accidental Disability Application of Theodore Buehler.

Local Board Secretary Jennifer Pena stated Dale Norris, legal counsel for Theodore Buehler, requested to address the Board prior to its discussion regarding Theodor Buehler's application for accidental disability.

Mr. Norris stated the Board has received the Independent Medical Examiners evaluation and form P5 and Dr. Jones, IME, outlines and states that Mr. Buehler's PTSD arises from the March 2021 shooting. It is also consistent with comments in the Workman's compensation claim. Mr. Norris quoted Ms. Liz Riley, Apache Junction H.R. Director that in Mr. Buehler's pre-employment psychological evaluation that there were no signs or symptoms of PTSD.

Mr. Norris also addressed comments made by Mr. Buehler's direct supervisor, Sergeant David James, which notes there was a significant difference in Mr. Buehler's behavior immediately following the OIS event. He stated this should tell the Board where the PTSD arose from and the Dr. Jones indicates Mr. Buehler meets the qualifications for disability.

C.E. Beal **moved, seconded** by Chris Sabo that the Board approve the claim for accidental disability benefits of Theodore Buehler, to include the narrative by Dr. Jones related to Mr. Buehler's pre-existing condition on the P5 form. Motion passed on a voice vote 5-0.

Ayes: Chair Wilson; Boardmembers Sabo, Lanza, Beal and Eaton.

Nays: None

Absent: None

The following questions from the Form P5-LB-A, Accidental Disability Questionnaire:

1. Did the employee file the application after the disabling incident, or within one year of ceasing to be an employee?	YES
2. Did (or will) the employee terminate by reason of a disability?	YES
3. Did employment terminate based on a disciplinary issue?	NO
4. If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by a reason of disability? The Board noted that this question is not applicable	N/A
5. Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties position?	NO
6. Has the employee refused a position within their job classification that the Local Board considered a reasonable range of duties?	YES
7. Did the injury or condition occur prior to the current PSPRS membership date?	NO
8. Was the injury or condition the result of an event incurred during the performance of the employee's duty?	YES

D. Adjournment

Chair Wilson **moved, seconded** by Chris Sabo to adjourn the meeting at 4:09 p.m. Motion passed 5-0.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Safety Local Police Pension Board meeting of Apache Junction, AZ, held on the 16th day of February 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Jennifer Pena, Board Secretary