

**CITY OF FT. PIERCE POLICE OFFICERS' RETIREMENT TRUST FUND
MINUTES OF MEETING HELD
JANUARY 8, 2010**

A special meeting of the Board of Trustees was called to order on January 8, 2010 at 8:30 A.M. in Room 327D, 337 North Fourth Street, Department of Children and Family Services in Fort Pierce, Florida.

TRUSTEES PRESENT

Brian Humm
Tara McFarlane
John Schramm
Gloria Johnson

OTHERS PRESENT

Bonnie Jensen, Law Office of Perry & Jensen
Nick Schiess, Pension Resource Center
Robert Meale, Administrative Law Judge
Xavier Evans and Spouse
Kevin Fitzgerald and Spouse

ADMINISTRATIVE HEARING XAVIER EVANS

Administrative Law Judge Robert Meale explained the administrative hearing process and rules of order and evidence to the Board and Xavier Evans. He explained that the burden of proof was upon the applicant and determined by the standard of a preponderance of the evidence. Judge Meale advised that his responsibility after hearing the evidence was to issue a recommended Order to the Board of Trustees. He further explained that this was the last legal opportunity for the applicant to submit evidence of any type to a court and the applicant would not be entitled to enter additional evidence after this hearing concluded or any future appeal hearings.

Bonni Jensen submitted evidence of Mr. Evans' conviction for specific criminal offences that served as the basis for the Board's prior determination for the forfeiture of his pension benefits under the Plan. She also provided information pertaining to State Statutes, the Ordinance governing the provisions of the Plan and other factors regarding the forfeiture of Mr. Evans' pension benefits.

Judge Meale reviewed the evidence pertaining to conviction for specific criminal offences and other factors regarding the forfeiture of Mr. Evans' pension benefits.

A discussion arose regarding the benefits of ordering a transcript of the proceedings. Tara McFarlane made a motion to order a transcript of the proceedings. Gloria Johnson seconded the motion, approved by the Trustees 4-0.

The administrative hearing for Mr. Evans concluded at 10:46 A.M.

ADMINISTRATIVE HEARING KEVIN FITZGERALD

Administrative Law Judge Robert Meale explained the administrative hearing process and rules of order and evidence to the Board and Kevin Fitzgerald. He explained that the burden of proof was upon the applicant and determined by the standard of a preponderance of the evidence. Judge Meale advised that his responsibility after hearing the evidence was to issue a recommended Order to the Board of Trustees. He further explained that this was the last legal opportunity for the applicant to submit evidence of any type to a court and the applicant would not be entitled to enter additional evidence after this hearing concluded or any future appeal hearings.

Bonni Jensen submitted records regarding the employment history of Mr. Fitzgerald. She explained that the Board had denied Mr. Fitzgerald's application for pension benefits because the records did not substantiate that Mr. Fitzgerald was vested with at least ten years of credited service as a police officer.

Judge Meale reviewed records regarding the employment history of Mr. Fitzgerald. Mr. Fitzgerald discussed his service as an officer and general employee.

It was the consensus of the Board to order a transcript of the proceedings.

The administrative hearing for Mr. Fitzgerald concluded at 12:31 A.M.

Respectfully submitted,

Secretary