



MINUTES

Claims Panel Hearing of the Board of Trustees of the State Universities Retirement System Friday, July 9, 2021, 8:30 a.m.

Via remote access only due to COVID-19 statewide restrictions

The meeting of the Claims Panel Hearing of the Board of Trustees of the State Universities Retirement System convened on July 9, 2021, at 8:30 a.m., via Zoom (video conference) based on the Executive Order allowing the Open Meetings Act to allow public meetings to be conducted via phone or video conference.

The following Claims Panel members were present: Mr. Daniel Gaumer, Hearing Officer; Ms. Suzanne Mayer, Interim Executive Director; Mr. Antonio Vasquez, SURS Board of Trustees member and Mr. Richard Figueroa, SURS Board of Trustees member (observing for training purposes only).

Others present: Ms. Jennifer Bartell, Senior Claims Manager; Ms. Bianca Green, General Counsel; Mr. Albert Lee, Associate General Counsel; Ms. Heather Kimmons, Associate General Counsel; Ms. Karen Nyi and Ms. Annette Ackerman, Executive Assistants; Ms. Janet Cummings, Area Wide Reporting and Ms. Carolyn Clifford, Ottosen DiNolfo Hasenbalg & Castaldo.

Claims Panel roll call attendance was taken. Hearing Officer Daniel Gaumer, present; Interim Executive Director Suzanne Mayer, present; and Trustee Antonio Vasquez, present.

APPROVAL OF MINUTES

Mr. Gaumer presented the open minutes from the Claims Panel Hearing of May 7, 2021.

Trustee Vasquez made the following motion:

- That the open minutes from the May 7, 2021 Claims Panel Hearing be approved as presented.

Ms. Mayer seconded and a roll call vote followed.

Mr. Gaumer	-	aye
Ms. Mayer	-	aye
Trustee Vasquez	-	aye

Mr. Gaumer presented the closed minutes from the Claims Panel Hearing of May 7, 2021.

Trustee Vasquez made the following motion:

- That the closed minutes from the May 7, 2021 Claims Panel Hearing be approved as presented.

Ms. Mayer seconded and a roll call vote followed.

Mr. Gaumer	-	aye
Ms. Mayer	-	aye
Trustee Vasquez	-	aye

PRESENTATION OF CLAIM Lori Kmiecik

Ms. Lori Kmiecik, Ms. Nicolette Kmiecik, claimant's daughter and Mr. Bryan Hoffman, witness, were sworn in by Ms. Cummings, the court reporter from Area Wide Reporting, and said witnesses provided testimony when called. The documentary evidence was admitted into the record and consisted of 194 pages. Mr. Albert Lee provided a verbal summary of the issues to be addressed by the Claims Panel and all parties agreed with that summary. The Claimant presented her case through the introduction of witness testimony and SURS provided cross-examination.

Upon the conclusion of the claim presentation, Hearing Officer Dan Gaumer proposed that each party submit post hearing briefs to include the citation to any cases that would be instructive for the panel. Mr. Gaumer gave a deadline for submission of the Claimant's brief and citation to legal authorities due on or before July 30, 2021. The deadline for the SURS response brief and citation to legal authorities is set for August 13, 2021. The Claimant was given a deadline of August 20, 2021, to file a reply to the SURS response, if she so chooses.

CLAIMS PANEL DELIBERATIONS

Upon motion by Ms. Mayer and a second by Trustee Vasquez-, the Claims Panel went into closed session pursuant to §2(c)(4) of the Open Meetings Act to consider the evidence and- testimony presented in open hearing as is authorized by law.

Mr. Gaumer	-	aye
Ms. Mayer	-	aye
Trustee Vasquez	-	aye

RETURN TO OPEN SESSION

Upon completion of the deliberation, Mr. Gaumer recommended the Claims Panel resume its meeting in open session. All claims panel members were in agreement. Open Session resumed at approximately 9:55 am.

Mr. Gaumer suggested that the panel continue the case until after the parties submit their briefs and to allow for further deliberation.

Trustee Vasquez made the following motion:

- To continue this matter to the next Claims Panel Hearing for further deliberation.

Ms. Mayer seconded the motion which passed by the following roll call vote:

Mr. Gaumer	-	aye
Ms. Mayer	-	aye
Trustee Vasquez	-	Aye

Another Claims Panel meeting will be set on a date after August 20, 2021, to resume this case.

PUBLIC COMMENT

There was no public comment.

There was no further business before the Claims Panel and Trustee Vasquez moved that the meeting be adjourned. The motion was seconded by Ms. Mayer and was followed by a roll call vote.

Mr. Gaumer	-	aye
Ms. Mayer	-	aye
Trustee Vasquez	-	aye

Respectfully submitted,



Daniel L. Gaumer
Hearing Officer

dlg:aa