



MINUTES

**Claims Panel Meeting
of the Board of Trustees of the
State Universities Retirement System
Wednesday, April 27, 2022, 8:30 a.m.
Via remote access only due to ongoing COVID-19 concerns statewide**

This public meeting was held virtually via Zoom rather than in person due to ongoing health and safety concerns caused by the Covid-19 pandemic. The chair of the SURS Board of Trustees determined that it was not practical to hold in-person meetings at this time while the Governor's disaster proclamation is still in effect and while public health and safety concerns continue to exist.

The meeting of the Claims Panel of the Board of Trustees of the State Universities Retirement System convened on April 27, 2022, at 8:30 a.m., via Zoom (video conference) based on the Executive Order allowing for remote 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, Executive Director; and Mr. Richard Figueroa, SURS Board of Trustee member.

Others present: Ms. Bianca Green, General Counsel; Mr. Albert Lee, Associate General Counsel; Ms. Heather Kimmons, Associate General Counsel; Ms. April Rudicil, PREP Team Manager; Ms. Jennifer Bartell, Senior Claims Manager; Ms. Karen Nyi and Ms. Annette Ackerman, Executive Assistants; Ms. Janet Cummings, Area Wide Reporting; Ms. Carolyn Clifford of the law firm of Ottosen, DiNolfo, Hasenbalg & Castaldo; Mr. Bernard Mulvaney; Ms. Marian Baker; Mr. Primal De Lanerolle; Ms. Sarah Boeckman; Ms. Linnae Bryant; and Mr. Andre Thapedi.

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

APPROVAL OF MINUTES

Mr. Gaumer presented the open minutes from the Claims Panel Hearing of February 17, 2022.

Ms. Mayer made the following motion:

- That the open minutes from the February 17, 2022 Claims Panel Hearing be approved as presented.

Trustee Figueroa seconded the motion which passed via the roll call vote referenced below:

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

Mr. Gaumer presented the closed minutes from the Claims Panel Hearing of February 17, 2022, for approval.

Ms. Mayer made the following motion:

- That the closed minutes from the February 17, 2022 Claims Panel Hearing be approved as presented and remain closed.

Trustee Figueroa seconded the motion which passed via the roll call vote referenced below:

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

PRESENTATION OF CLAIM – BERNARD MULVANEY

Mr. Mulvaney was sworn in by Ms. Cummings, the court reporter from Area Wide Reporting. The documentary evidence was admitted into the record and consisted of 96 pages. The record includes the staff brief in response to the Statement of Claim submitted by SURS legal counsel. Ms. Heather Kimmons provided a verbal summary of the issues to be addressed by the Claims Panel and all parties agreed with that summary. The claimant presented his case and SURS' cross-examination followed.

Upon the conclusion of the claim presentation, Hearing Officer Dan Gaumer closed the proof of evidence. The Claims Panel members decided to hear all of the claims scheduled for this date in open session and then move into closed session to deliberate all of them at the same time.

PRESENTATION OF CLAIM – MARIAN BAKER

Mr. Gaumer admitted the documentary evidence into the record that consisted of 243 pages. The admitted record also includes the staff brief in response to the Statement of Claim submitted by SURS legal counsel. Ms. Baker requested to have her case continued. After discussion, Mr. Gaumer granted the request to continue the case until the next hearing date when Ms. Baker's claim can be rescheduled. The claimant was informed this would likely be in July of 2022.

PRESENTATION OF CLAIM – PRIMAL DE LANEROLLE

The documentary evidence was admitted into the record and consisted of 602 pages. The record includes the staff brief in response to the Statement of Claim submitted by SURS legal counsel. Ms. Boeckman, Legal Counsel for the claimant, requested to have additional materials admitted into the record. The additional documents were submitted to SURS on April 26, 2022, and consisted of 10 pages. Mr. Gaumer agreed to admit the additional materials into the evidentiary record and the new

record, as admitted, consists of 612 pages. Ms. Boeckman noted that Mr. De Lanerolle would not be testifying. Ms. Jennifer Bartell was sworn in by Ms. Cummings, the court reporter from Area Wide Reporting. Ms. Bianca Green noted that Ms. Suzanne Mayer recused herself from this case as a sitting member of the panel because she was involved in the initial discussion regarding attempts to resolve this matter. Ms. Green provided a verbal summary of the issues to be addressed by the Claims Panel and all parties agreed with that summary. Ms. Boeckman presented a verbal summary of the case on behalf of the claimant. SURS then called Ms. Jennifer Bartell to testify as to the facts of this case. Ms. Boeckman cross-examined Ms. Bartell which completed the testimony given in this case.

Upon the conclusion of the claim presentation, Hearing Officer Dan Gaumer closed the proof of evidence. Given that the issue involved is one of first impression for the Claims Panel, Ms. Green requested permission for both parties to submit their closing arguments in written form. Mr. Gaumer granted the request and set the following briefing schedule: the claimant, must submit his closing argument by May 12, 2022; the SURS response is due by May 26, 2022, and the claimant has until June 2, 2002, to submit a reply.

PRESENTATION OF CLAIM – LINNAE BRYANT

Ms. Bryant and Mr. Thapedi were sworn in by Ms. Cummings, the court reporter from Area Wide Reporting. The documentary evidence was admitted into the record and consisted of 354 pages. The record includes the staff brief in response to the Statement of Claim submitted by SURS legal counsel. Ms. Bryant requested permission to add there additional pages into the record. After discussion, Mr. Gaumer granted the request to add the new documents into the record, making the admitted record 357 pages. Mr. Albert Lee provided a verbal summary of the issues to be addressed by the Claims Panel and all parties agreed with the summary. The claimant presented his case and SURS’ cross-examination followed.

Upon the conclusion of the claim presentation, Hearing Officer Dan Gaumer closed the proof of evidence.

CLAIMS PANEL DELIBERATIONS

Trustee Figueroa made a motion to move into closed session pursuant to §2(c)(4) of the Illinois Open Meetings Act to consider the evidence and testimony presented in all of the cases heard in open session as is authorized by law. Ms. Mayer seconded the motion which passed via the roll call vote referenced below:

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| Mr. Gaumer | - | aye |
| Ms. Mayer | - | aye |
| Trustee Figueroa | - | aye |

RETURN TO OPEN SESSION

Upon completion of the deliberations, the Claims Panel returned to open session at approximately 12:20 pm.

Ms. Mayer then made the following motion:

- To affirm the staff decision, finding that Bernard Mulvaney has not proven by preponderance of the evidence that he is entitled to the relief sought and a written decision of factual findings and conclusion will be drafted by the hearing officer and signed by members of the Claims Panel voting in favor of the motion.

Trustee Figueroa seconded the motion which passed via the following roll call vote:

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|------------------|---|-----|
| Mr. Gaumer | - | aye |
| Ms. Mayer | - | aye |
| Trustee Figueroa | - | aye |

Ms. Mayer then made the following motion:

- To affirm the staff decision, finding that Linnae Bryant has not proven by preponderance of the evidence that she is entitled to the relief sought and a written decision of factual findings and conclusion will be drafted by the hearing officer and signed by members of the Claims Panel voting in favor of the motion.

Trustee Figueroa seconded the motion which passed via the following roll call vote:

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|------------------|---|-----|
| Mr. Gaumer | - | aye |
| Ms. Mayer | - | aye |
| Trustee Figueroa | - | aye |

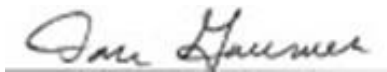
PUBLIC COMMENT

There was no public comment.

There was no further business before the Claims Panel and Trustee Figueroa moved that the meeting be adjourned. The motion was seconded by Ms. Mayer and passed via the roll call vote below:

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|------------------|---|-----|
| Mr. Gaumer | - | aye |
| Ms. Mayer | - | aye |
| Trustee Figueroa | - | aye |

Respectfully submitted,



Daniel L. Gaumer
Hearing Officer