



MINUTES

**Claims Panel Meeting
of the Board of Trustees of the
State Universities Retirement System
Tuesday, February 28, 2023, 8:30 a.m.
State Universities Retirement System
Main Conference Room
1901 Fox Dr., Champaign, IL**

The meeting of the Claims Panel of the Board of Trustees of the State Universities Retirement System (SURS) convened on Tuesday, February 28, 2023, at 8:30 a.m.

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. Jennifer Bartell, Senior Claims Manager; Ms. Karen Nyi and Ms. Annette Ackerman, Executive Assistants; Ms. Cara Peeler, Retirement Team Manager; Ms. Janet Cummings, Area Wide Reporting; Ms. Carolyn Clifford of the law firm of Ottosen, DiNolfo, Hasenbalg & Castaldo; Mr. David Kendrick, claimant; Mr. Mahmood Ghassemi, claimant; Mr. Richard Novak, witness; and Mr. Ali R. Djalilian, witness.

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 session minutes from the Claims Panel Hearing of November 14, 2022.

Mr. Mayer made the following motion:

That the open session minutes from the November 14, 2022, Claims Panel Hearing be approved as presented.

Ms. 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 November 14, 2022, for approval.

Ms. Mayer made the following motion:

That the closed session minutes from the November 14, 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

CONTINUATION OF CLAIM – ROBERT FITZGERALD

Mr. Gaumer presented the continuation of the claim for Robert Fitzgerald by accepting and admitting the post-hearing briefs submitted by the Claimant and SURS with admission of a total of 4,801 total pages into the record. The post-hearing briefs included the Claimant's written closing argument, the SURS Staff Response to the same and the Claimant's Reply to the SURS Staff Response. Hearing Officer Dan Gaumer then formally closed the proofs in the case.

PRESENTATION OF CLAIM – DAVID KENDRICK

The claim of Mr. David Kendrick was called for hearing. Mr. Kendrick opted to appear via videoconference at the hearing. Mr. Gaumer admitted documentary evidence into the record consisting of 99 pages. The admitted record includes the Claimant's Statement of Claim and the SURS Staff Response to the same. Ms. Bianca Green provided a verbal summary of the issues to be addressed by the Claims Panel. Mr. Kendrick agreed with that brief summary and Mr. Kendrick and Ms. Jennifer Bartell were then sworn in by Ms. Janet Cumming, the court reporter from Area Wide Reporting. The Claimant presented his case. Next, Ms. Bartell was called to testify on behalf of SURS.

Upon the conclusion of the claim presentation, Hearing Officer Dan Gaumer closed the evidentiary proofs.

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 during one closed session.

PRESENTATION OF CLAIM – MAHMOOD GHASSEMI

The claim of Mr. Mahmood Ghassemi was called for hearing. Mr. Ghassemi and his witnesses Mr. Richard Novak and Mr. Ali Djalilian opted to appear via videoconference at the hearing. Mr. Gaumer admitted documentary evidence into the record consisting of 316 pages. The admitted record includes the Claimant's Statement of Claim and the SURS Staff response to the same. Mr. Ghassemi, Mr. Novak, Mr. Djalilian and Ms. Jennifer Bartell were all sworn in by Ms. Cummings, the court reporter from Area Wide Reporting. Mr. Albert Lee provided a verbal summary of the issues to be addressed by the Claims Panel and Mr. Ghassemi agreed with that brief summary. Mr. Ghassemi presented his case to the panel and then Ms. Bartell was called to testify on behalf of SURS.

Upon the conclusion of the claim presentation, Hearing Office Dan Gaumer granted the request of Mr. Ghassemi to submit additional post-hearing written closing arguments. Mr. Lee had no objection and Mr. Gaumer granted the request and allowed both parties to submit their closing arguments in written form. He entered the following briefing schedule: the Claimant must submit his closing argument by March 28, 2023; the SURS staff response is due by April 11, 2023, and the Claimant has until April 25, 2023, to submit a reply. The matter will be called for deliberation by the Claims Panel during the next regularly scheduled Claims Panel meeting.

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 the Fitzgerald and Kendrick cases that were presented in open session as is authorized by law. Ms. Mayer seconded the motion which passed via the roll call vote referenced below:

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

RETURN TO OPEN SESSION

Upon completion of the closed session deliberations, the Claims Panel returned to open session at approximately 12:15 pm.

Ms. Mayer then made the following motion in regards to the Fitzgerald Claim:

To affirm the staff decision, finding that the Estate of Robert Fitzgerald has not proven by preponderance of the evidence that the estate is entitled to the relief sought, and that a written decision of factual findings and conclusions 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:

Mr. Gaumer	-	aye
Ms. Mayer	-	aye

Trustee Figueroa - aye

Ms. Mayer then made the following motion in regards to the Kendrick Claim:

To affirm the staff decision, finding that David Kendrick has not proven by preponderance of the evidence that he is entitled to the relief sought, and that a written decision of factual findings and conclusions be drafted by the Hearing Officer and signed by the members of the Claims Panel voting in favor of the motion.

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

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 Ms. Mayer moved that the meeting be adjourned. The motion was seconded by Trustee Figueroa and passed via the following roll call vote:

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

Respectfully submitted,



Daniel L. Gaumer
Hearing Officer

dlg:aa