

**MINUTES OF THE SPECIAL MEETING  
PUBLIC SAFETY RETIREMENT BOARD  
TOWN OF CHINO VALLEY**

**OCTOBER 4, 2022  
1:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS  
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

Present: Jack Miller, Chair; Amy Chamberlin, Board Member; Dean Keller, Board Member;  
Cheri Romley, Board Member

Absent: Deana Winn, Board Member

Staff Present: William Wittington, Board Attorney; Laura Kyriakakis, HR Director

Attendees: Gary Brusco, Applicant, Judith Abramson, Attorney for Gary Brusco

**1) CALL TO ORDER**

Chair Jack Miller called the meeting to order at 1:00 p.m.

**2) ROLL CALL**

**3) APPROVAL OF MINUTES**

- a)** Consideration and possible action to approve the March 30, 2022, regular meeting minutes.

MOVED by Board Member Cheri Romley, seconded by Board Member Dean Keller to approve the March 30, 2022, regular meeting minutes.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

**4 - 0 PASSED - Unanimously**

**4) CALL TO THE PUBLIC**

*Call to the Public is an opportunity for the public to address the Board concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 15 minutes per meeting. Board action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.*

**5) OLD BUSINESS**

- a) Public Safety Retirement Board member training.

Laura Kyriakakis reported that she sent out an email on September 1<sup>st</sup> that provided links to three required training videos for Cheri Romley and Deana Winn that need to be completed by December 28th. However, all are welcome to take the training. Ms. Kyriakakis should be notified when training is completed so the PSPRS can be updated.

**6) NEW BUSINESS**

**7) EXECUTIVE SESSION**

*The Board may vote to recess the Regular Meeting and hold an Executive Session, which will not be open to the public, for the following purposes:*

- a) Possible vote to go into executive session for legal advice pursuant to A.R.S. §38-431.03(A)(3); for personnel matters pursuant to A.R.S. § 38-431.03(A)(1) and pursuant to A.R.S. Section 38-431.03(A)(2) for discussion and consideration of records exempt by law from public inspection regarding Gary Brusco's disability application.
- b) Executive session for legal advice pursuant to A.R.S. §38-431.03(A)(3); for personnel matters pursuant to A.R.S. § 38-431.03(A)(1) and pursuant to A.R.S. §38-431.03(A)(2) for discussion and consideration of records exempt by law from public inspection with regard to, and their acceptance into the Public Safety Personnel Retirement System:
- Tod Cupp – DOH 12/13/2021 NARTA Graduate 6/2/2022
  - Dianne Valladolid-Enriquez – DOH 12/13/2021 NARTA Graduate 6/2/2022

MOVED by Board Member Cheri Romley, seconded by Board Member Dean Keller to enter Executive Session at 1:03 p.m.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

**4 - 0 PASSED - Unanimously**

**8) NEW BUSINESS RESUMED**

*After the Executive Session, the Board will reconvene the Regular Meeting.*

Board reconvenes Regular Meeting at 1:28 p.m.

- a) Discussion and possible action to accept Tod Cup in the Public Safety Retirement System.

It was stated for the record that the medical exams had been reviewed previously and the medical reports reflected a pre-existing loss of hearing in the left ear.

MOVED by Board Member Cheri Romley, seconded by Board Member Dean Keller to accept Tod Cup into the PSRS effective 9/2/2022 with the stipulations from the medical report.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

**4 - 0 PASSED - Unanimously**

- b) Discussion and possible action to accept Dianne Valladolid-Enriquez in the Public Safety Retirement System.

MOVED by Board Member Cheri Romley, seconded by Board Member Amy Chamberlin to accept Dianne Enriquez in the Public Safety Retirement System as of 9/2/2022.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

**4 - 0 PASSED - Unanimously**

- c) Discussion and possible action to terminate Jonathan Mitea from the Public Safety Retirement System.

MOVED by Board Member Amy Chamberlin, seconded by Board Member Cheri Romley to terminate Jonathan Mitea from the Public Safety Retirement System effective 7/19/2022.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

**4 - 0 PASSED - Unanimously**

- d) Discussion and possible action to terminate Jesse Newton from the Public Safety Retirement System.

MOVED by Board Member Amy Chamberlin, seconded by Board Member Dean Keller to terminate Jesse Newton from the Public Safety Retirement System effective 8/17/2022.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

**4 - 0 PASSED - Unanimously**

- e) Discussion and possible action to terminate Roger Brown from the Public Safety Retirement System.

MOVED by Board Member Amy Chamberlin, seconded by Board Member Dean Keller to terminate Roger Brown from the Public Safety Retirement System effective 8/22/22.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

**4 - 0 PASSED - Unanimously**

- f) Discussion and possible action regarding Gary Brusos application for disability.

Ms. Abramson, representing Mr. Brusos, reported the following:

A comment was made at the last meeting that a board member had a concern about Mr. Brusos veracity. MMPI tests and some other tests had matrices and indices that test for lies, exaggeration, and malingering. If someone exaggerated symptoms, or lied about their symptoms, or they were inconsistent, there would be indices that show they overstated what happened, or that answers were inconsistent or untruthful. Mr. Brusos took the MMPI test two or three times and interviewed four different times. Between those if there had been exaggeration, malingering, or lying it would have been picked up.

MOVED by Chair Jack Miller, to adopt the P5 findings issued by Dr. Parker on 5/12/21 and Dr. Segal on 12/21/21 and 8/1/22 in conjunction with the application for disability retirement filed by Gary Brusos and the findings and conclusions of Dr. Segal as set forth and prepared by Dr. Segal dated 12/21/21 and Dr. Parker dated 5/12/21 and the questions that were answered sent to Dr. Parker and re-answered in his addendum on 8/1/22.

Board members asked for clarification that the motion included awarding benefits, which it did.

No second. Motion failed.

MOVED by Chair Jack Miller, seconded by Board Member Amy Chamberlin to adopt the P5 findings issued by Dr. Parker and Dr. Segal in conjunction with the application for disability retirement filed by Gary Brusos and the findings and conclusions of Dr. Segal set forth in the IME prepared by Dr. Segal dated 12/21/21 and 8/1/22 to deny the application.

AYE: Board Member Amy Chamberlin, Board Member Dean Keller

NAY: Chair Jack Miller, Board Member Cheri Romley

**2 - 2 FAILED**

Ms. Abramson reported that Dr. Segal's report was consistent with awarding the disability entirely.

Board members discuss the following:

- There have been a lot of changes throughout the time of this application and it may have to go up to the State level. This was from over five years ago.
- There were two IME's and one addendum and they all said yes to approving disability and their duty as members of the board was to base judgements off the IME's and nothing else.

Ms. Abramson stated that if the application were to be denied based on those records their next steps would be to request for rehearing and exhaust administrative remedies. If still denied they would appeal to the Superior Court where they believed Mr. Brusio would win and under the statute Mr. Brusio would be awarded attorney fees and the Town would have to pay for it.

MOVED by Chair Jack Miller, seconded by Board Member Cheri Romley to recess until the full board is able to meet at the earliest convenience.

AYE: Chair Jack Miller, Board Member Amy Chamberlin, Board Member Dean Keller, Board Member Cheri Romley

**4 - 0 PASSED - Unanimously**

## 9) **ADJOURNMENT**

Chair Jack Miller adjourned the meeting at 1:42 p.m.

Submitted: October 18, 2022.

By: *Sara Burchill, Deputy Town Clerk*

Approved: November 8, 2022.