

# Winter Park Police Officers' Pension Board



**5 November 2015 at 7:00 p.m.**

Public Safety Facility • Second Floor  
500 North Virginia Avenue • Winter Park, Florida

## SPECIAL DISABILITY HEARING

1. Call to order

2. Approval

3. Quarterly Report

4. Attorney Report – Scott Christiansen

WPPD – Kevin Condu - Full hearing for his eligibility

5. Old business

6. New business

7. Adjournment

## transcripts & assistance

Anyone who has business in front of this board and needs a transcript will be responsible to provide said transcript (F. S. 286.0105).

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special assistance to participate in this proceeding should contact Jeffrey C. Templeton at 407-657-2872 no later than seven days prior to the proceeding. If hearing impaired, for assistance please contact the Florida Relay Service Numbers at 800-955-8771 (TTD) or 800-955-9700 (VOICE).

**WINTER PARK POLICE OFFICERS' RETIREMENT SYSTEM  
DISABILITY HEARING /KEVIN CONDU  
November 5, 2015**

**MEMBERS:** Lt. Kevin Roesner, Chairman  
Detective Sam Easterbrook  
Sandy Modell, Trustee  
William Manual, Trustee  
Mike Broschart, Trustee

**Attendees:** Scott Christiansen, Attorney  
Mike McClelland, Attorney for Kevin Condu  
Mr. Kevin Condu

Bryan Templeton  
Kathy Reed

**Absent:** Jeffrey Templeton, Administrator

Chairman Kevin Roesner called the meeting to order at 6:01 p.m.

The Chairman announced that this is the third disability hearing for Kevin Condu. The first meeting was continued to gather more information, the second meeting the board voted to deny the application and now this meeting has been called to hear the additional information that was gather by Mr. Condu.

At this time, Dave Young (attorney for the City) stated that he was here representing the City. Mr. Young stated that he did not believe that the meeting was properly noticed.

A brief discussion was held; and it was determined that the meeting was improperly noticed. The meeting was adjourned until 7:00 p.m.

Chairman Kevin Roesner called the meeting to order at 7:00 p.m.

Attorney Scott Christiansen reviewed the procedures of the board; the procedure provides for an initial hearing, during the initial hearing the board only considers the documentary records that have been collected in reference to this case. During the initial hearing the board hears comments from the attorney or the claimant on the records that have been collected.

At the initial hearing, in which two were held; during the initial hearing and the board wanted additional information that was needed to make a sound decision therefore it was recessed until the additional information was collected. During the second hearing which was technically, still on the initial hearing and the board considered the facts that were presented and made a decision to deny the disability pension. The denial was based on the eligibility to be considered for a disability pension. The decision was not based upon the merits of the case but whether Mr. Condu is eligible to be considered for a disability pension based upon the provision outlined in the pension plan.

At this time, Scott Christiansen read the order of denial dated July 24, 2015 into the record.

Due to the denial that was entered, the claimant has the right to request a formal evidentiary hearing before the board to provide additional information to the board. This is why the board is here to review tonight.

At this time, the meeting was turned over to Mr. Condu and Mr. McClellan to present their case.

Mr. McClellan submitted into evidence the deposition of Mr. Jack Bell; Scott Christiansen agreed.

Mr. McClellan stated that their position is still that Mr. Condu was not properly notified of his termination by the city and why he was terminated. Mr. McClellan reviewed the deposition of Mr. Bell with the board.

A lengthy discussion was held regarding the issue of notification of separation.

At this time a motion was made the Chairman, Kevin Roesner to deny the claim pursuant to the same reasons that were given in the original hearing on July 16<sup>th</sup>, 2015. Motion seconded by Sandy Modell.

Attorney clarified that the board was continuing to find that Mr. Condu is ineligible to apply for a disability pension or to be considered for a disability pension

Chairman, Kevin Roesner stated that yes that is the motion he is making.

Board voted 3-2

2 Opposed

3 In favor

Motion passes.

Respectfully submitted,



Sam Easterbrook, Vice Chairman/Sec