



City of Maricopa

Meeting Actions - Final Public Safety Personnel Retirement System Board

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Wednesday, November 30, 2022

4:00 PM

City Hall- John Wayne Conference Room

1. Call To Order

The meeting was called to order at 4:00 pm.

2. Roll Call

Present via Zoom: Chair, Councilmember Eric Goettl; Police Member Chance Jordan; Board Member Rusty Akers; Local Board Attorneys, Andrew Apodaca & Pam Treadwell-Rubin; and Attorney for Member/Applicant Wenderoth, Dale Norris

Present in person: Board Secretary Karen Atler

3. Minutes

3.1 [MIN 22-55](#)

The Public Safety Personnel Retirement System Board will approve minutes from the August 3, 2022 meeting. Discussion and Action

A was made by Police Member Jordan, seconded by Board Member Akers that the minutes from November 2, 2022 be Approved. Motion carried by a unanimous vote.

4. Agenda Items

4.1 [PSPRS 22-13](#)

Consideration, Discussion and Possible Action on Applicant's Rehearing Request regarding denial of Accidental Disability Retirement. Discussion and Action.

a. Police Department - Robert Wenderoth

Doctor findings on record were discussed. Police Member Jordan made a motion, seconded by Board Member Akers to go in to Executive Session at 4:12 pm. The motion passed unanimously.

The meeting was reconvened at 4:25 p.m. after Attorney Norris returned to the Zoom connection. Chair Goettl noted the conflicting opinions in the Board's possession from doctor findings and opened the matter up for further discussion. Discussion ensued on whether a second IME opinion was needed. Consensus was Dr. Parker's opinion was statutorily appropriate.

Police Officer Jordan made a motion, seconded by Board Member Akers to deny the Rehearing Request of Applicant Wenderoth, regarding the denial of his Application for an Accidental Disability, and affirm the prior denial of that Application, because the

Board's reliance on Dr. Parker's opinion and reports, satisfied applicable law, and in support of this Motion, the Board makes the following findings:

a.) The Board hereby adopts for purposes of this rehearing, all findings previously made on August 3, 2022, in reliance upon the Medical Board evaluation of Joel Parker, M.D., as set forth in the reports, restrictions profiles, and PSPRS Questionnaire dated June 3 and 6, and November 5, 2022, and their enclosures, and pursuant to A.R.S. § 38-859 (A) (3) (B, C).

b.) The Board accepts as binding, pursuant to A.R.S. § 38-859 (C), Dr. Parker's opinion, as previously noted. The Board considered Dr. Parker's opinion and reports persuasive to deny Mr. Wenderoth's application, as is required by A.R.S. §§ 38-859 (A) (2), and (C). That opinion clearly established that all requirements of the Accidental Disability definition could not be met, requiring the board to deny the application.

c.) Because the opinions of psychologist(s) were insufficient for the Local Board to rely upon to support a valid disability decision, the board found they could not be used to create a conflict in medical opinion, but if a reviewing authority concludes otherwise, the board resolved it in favor of the Medical Board doctor's opinion, as the board believe they must, according to A.R.S. §§ 38-859 (C).

d.) The Board also found, that due to the more complete record which the Medical Board evaluator reviewed, as well as the testing conducted during the exam as previously noted, the report of Dr. Prince was found to be less persuasive, and insufficient to create a medical conflict, but if a reviewing authority concludes otherwise, the board resolved it in favor of the Medical Board doctor's opinion, as they believe they must, according to A.R.S. §§ 38-859 (C).

e.) The Board further found that the reasoning expressed in Dr. Parker's supplemental report dated November 5, 2022, was persuasive to convince them that the evaluation was thorough, objective, and consistent with professional standards, and making a second exam was unnecessary to fulfill the Board's statutory responsibilities.

The motion carried unanimously. Before Mr. Norris departed from the Zoom connection, Chair Goettl expressed the City's appreciation for Officer Wenderoth's service, and asked that the sentiment be communicated to him, despite the outcome here, which was not an easy decision for the Board to make, the respect for Officer Wenderoth's work for the City should not be diminished. Mr. Norris agreed to make those sentiments known to Officer Wenderoth.

5. Executive Session

6. Adjournment

Chair Goettl made a motion, seconded by Police Member Jordan to adjourn the meeting at 4:33 p.m. The motion was passed unanimously.

Adjourn