

**Minutes  
Tempe Police Public Safety Personnel  
Retirement Board  
November 5, 2009**

Minutes of the Tempe Police Public Safety Personnel Retirement Board, held on Thursday, November 5, 2009, 3:00 p.m., Tempe City Hall – Mayor’s Office, 31 E. 5<sup>th</sup> Street, Tempe, Arizona.

**Board Members Present:**

Mayor Hugh Hallman	Todd Bailey
Joe Brosius	Jim Foley
Jeff McHenry	

**City Staff Present:**

Jan Hort, Clerk’s Office  
Lourdes Robertson, Human Resources

**Guests Present:**

David Niederdeppe, Board Attorney  
Mark Mignella, Attorney for the Claimant

Mayor Hallman called the meeting to order at 3:27 p.m.

**ITEM I – Consideration of Meeting Minutes – September 10, 2009**

Jim Foley made a motion to approve the September 10, 2009 minutes; Jeff McHenry seconded the motion. Motion passed unanimously.

**ITEM II – Executive Session**

Motion by Joe Brosius to convene an Executive Session. Second by Todd Bailey. Motion passed unanimously.

=====  
Meeting temporarily adjourned at 3:30 p.m. for Executive Session.

Meeting reconvened at 3:31 p.m.  
=====

**ITEM III – New Recruits**

Joe Brosius made a motion to approve the following new recruits subject to the notes made in executive session: **Pablo Guzman, Kyle Pettengell, and Thomas A. Puskarich**. Second by Todd Bailey. Motion passed unanimously.

**ITEM IV – Retirement Applications**

Joe Brosius made a motion to approve the DROP and retirement applications for: **Mark Allen – DROP to Retirement, Joseph W. Schiefer – DROP to Retirement and Susan Schoville - DROP**. Todd Bailey seconded the motion. Motion passed unanimously.

**ITEM V – Request for Disability Retirement Hearing for Ralph Tranter, Jr.**

Mark Mignella, Ralph Tranter’s legal counsel, thanked the board for agreeing to this rehearing which was requested as a result of the board’s initial decision to deny Mr. Tranter’s disability application. The purpose of this hearing is to request that

the board take into consideration the medical report that clearly states that Chief Tranter is unable to perform the full range of duties of his position. Based on this, Mr. Tranter is seeking a medical disability as his reason for terminating employment.

Discussion ensued that the content of the July 10, 2009 letter of denial and the reason stated in that letter for denying Mr. Tranter's application failed to note fully the boards then articulated basis for denial. Board members felt that the letter did not clearly articulate their positions on this issue. It was agreed that future disposition letters state that reason of denial is "for the reason(s) set forth in the record of the board", rather than state the reason(s) why an applicant is being denied.

Mr. Foley stated that his reason for voting to deny this disability application was based upon the 'reasonable range of duties' question. The medical findings do not specifically state that Mr. Tranter is unable to perform a reasonable range of duties for his job classification as a Police Chief.

Mr. Bailey stated that if Chief Tranter is applying for a disability retirement, then it does not make sense that he would seek employment elsewhere in the same line of work, knowing that his POST certification may be in question. Records also indicate that Mr. Tranter has been promoted several times over his public safety career, even with a partially disabled eye.

Mr. Brosius stated that the issue at hand is whether or not Chief Tranter can do the job, not whether or not his POST certification is, or remains, intact.

Mr. Bailey made a motion to uphold the board's previous decision to deny the disability application for Ralph Tranter. Mr. Foley seconded the motion. Motion passed 3-2 with Mayor Hallman and Mr. Brosius dissenting.

Motion by Mr. McHenry to adjourn the meeting. Second by Mr. Foley. Motion passed unanimously.

*Meeting was adjourned at 4:05 p.m.*

Prepared by: Kay Savard

---

Jan Hort  
City Clerk