



STATE OF WASHINGTON
BOARD FOR VOLUNTEER FIREFIGHTERS & RESERVE OFFICERS
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February 15, 2008

The 211th regular meeting of the Board for Volunteer Firefighters and Reserve Officers was convened at 9:00 A.M. in Suite #207 in the James R. Larson Forum Building by Chair Ronald Ayres, with Board Member Ken Boad, Board Member Jay Hughes, Board Member Mark Watenpaugh, Board Member Martin Spani, Chief Stan Loertscher (Mason Co. FPD #13), Chief Jake Doty (East Pierce Fire and Rescue), Sam Atkins, Rebecca Atkins (Pierce Co. FPD #23), Assistant Attorney General Kyle Crews, Assistant Attorney General Spencer Daniels, Court Reporter Kandil Clark, Executive Secretary Brigette Smith, and Confidential Secretary Nicole Stauffer present.

The Board reviewed the December 7, 2007 minutes. It was moved by Boad, seconded by Spani and carried that the minutes be approved.

The agenda was reviewed and Secretary Smith requested that the Board rearrange the agenda so that the hearing to take testimony for Rebecca Atkins is moved to the first item on the agenda to accommodate Ms. Atkins and her husband, Sam.

FIRST HEARING OF THE PUBLIC

No one wished to speak.

OLD BUSINESS

Chair Ayres convened a hearing regarding Rebecca Atkins' (Pierce Co. FPD #23) Local Board denial of an August 20, 2007 Injury claim.

The Board recessed for a break from 9:35 through 9:46.

The Board discussed possible dates for a work session to work through the evidence presented in the Rebecca Atkins case. Secretary Smith was directed to check with Assistant Attorney General Spencer Daniels and see if he would be available to attend a work session on April 11th, 2008 at 9:00 am.

Secretary Smith informed the Board that she did email Keith Merritt and encourage him to help the Fire Service Leadership Forum come to an agreement regarding the Pension Participation Standards at their January meeting. However, there were still groups that had not discussed the Focus Group recommendations. As a result, the Forum Group at large was not able to come to a consensus regarding the participation standards. Secretary Smith was directed to write a letter to the group, informing them that the Board was going to proceed with the matter and take the Focus Group's recommendations into consideration, understanding that they were not a Forum Group recommendation.

The Board discussed calling a special meeting to work on a draft WAC regarding the pension participation standards and the definition of firefighter. It was decided that the special meeting would take place after the work session on April 11th. The Chair will determine a time for the meeting after consultation with both Assistant Attorney Generals.

The Board reviewed a letter sent by the Washington State Firefighters' Association, which ranked their board's choices for benefit enhancements. The Board said they would make sure to take their rankings



into consideration, along with the other comments and rankings that had been received. After some discussion, it was decided that considering all of the issues surrounding benefit enhancements would take lots of time to completely work through. As a result, it was felt that the Board should work on this issue in a separate work session. It was decided to tentatively schedule the session for May 9th at 9:00 am.

The Board reviewed a request for a permanent partial disability award for Michael Puhan, Whatcom Co. FPD #13. It was moved by Boad, seconded by Hughes and carried (with a dissenting vote from Member Spani) to grant Firefighter Puhan an award of \$11,126.16 for his April 26, 2005 fire service injury, pending receipt of a signed invoice voucher.

The Board reviewed documentary evidence from Lewis Co. FPD #12 attempting to prove service for William E. Bower for the year 1979. It was moved by Hughes, seconded by Spani, and carried that the evidence submitted was insufficient to prove service. The Board asked Secretary Smith to contact the department and request that they look through old records to try to find any meeting minutes, call sheets, or drill records that would document that Firefighter Bower was an active member during 1979.

The Board reviewed a request from King Co. FPD #51 to allow 2007 pension payments for three new members. RCW 41.24.040 allows members to be "reinstated" in the pension if a pension payment has been missed. The Board's interpretation of this provision is that a member cannot be reinstated if they were not first instated by making a payment. Therefore, payments prior to the first payment made into the pension system cannot be made up. In order for a payment to be made, it must either be received by, or postmarked by December 31st in the calendar year that the payment is being made. After reviewing the documentation, it was noted that the payments were not received from the department until January 24, 2008, but all of the member checks were dated in December of 2007. It appeared that it was clearly the firefighter's intent to pay their fees in a timely manner. It was moved by Spani, seconded by Watenpaugh, and carried that the evidence provided was sufficient to prove that the member portion of the fees were paid in the 2007 calendar year. Elizabeth Bankson, Stephen Griffith, and Will Sweet will be allowed to make their 2007 pension fees.

The Board reviewed a request from Grant Co. FPD #5 to pay for claims from an August 22, 2006 accident in which no written notification was received within 90 days. There was a lot of discussion regarding postcards and the stubs. Secretary Smith stated that her staff had discussed the accountability problem with postcards a year and a half ago, and began sending out confirmation letters after receipt of a postcard shortly after that time. However, even though the staff informally started that process some time around 2005, departments weren't officially informed of the process until the September 2007 newsletter. In that newsletter, departments were told that confirmations would be sent out upon receipt of a postcard, so departments should contact the Board if a confirmation letter was not received within a few weeks of mailing. As a result, Secretary Smith said that she could not say with certainty that Grant #5 was aware that they should look for a confirmation letter, so it would be unfair to deny the claim based on the theory that they didn't receive a confirmation letter, so they should have known the postcard wasn't received. After much discussion over the evidence, it was moved by Hughes, seconded by Boad, and carried that the documentation submitted was insufficient to prove that the postcard for Anna Schafer's August 22, 2006 was received within the required 90 days. Secretary Smith was directed to meet with her staff and try to identify any other ways to make the postcard submittal procedure better and more accountable.

Secretary Smith asked the Board to consider adopting a Board policy regarding the recovery and payment of money when it is found that a pension has been miscalculated. She informed the Board that Staff talked with Department of Retirement Systems (DRS) representatives and they were informed that DRS will only collect three year's worth of overpayments if it is found that the recipient was overpaid. If it is found that the recipient was underpaid, the department will pay the recipient the balance due since the calculation error occurred. Secretary Smith also consulted with Assistant Attorney General Kyle Crews regarding the matter and he stated that the agency could legally set its own policy regarding recoveries. It was moved by Watenpaugh, seconded by Spani, and carried that, in the case of pension calculation errors, the Board will recover three year's worth of overpayments

made to recipients. In cases where the calculation error resulted in a recipient being underpaid, the Board will pay the recipient the balance owed since the time the error occurred.

The Board discussed setting a buy back payment policy for reserve officers who want to buy back their service time for periods of time between the year the department joined the pension system and the year of the officer's first payment. The Board reviewed the RCW's and legal advice received from AAG Kyle Crews. It was moved by Boad, seconded by Hughes, and carried that reserve officers be allowed to buy back service time at the actual cost of participation as determined by the State Actuary.

The Board reviewed a letter, picture, and card received from Nate Watson's family thanking the Board for all of its efforts on Nate's behalf. Secretary Smith briefed the new board member's on Nate's case.

The Board reviewed a letter received from Bill DeHorn, Whatcom Co. FPD #3, stating that Secretary Smith came to his department and did a great job of speaking with the firefighters. He also expressed appreciation for all of the BVFF staff and stated that they had always been very helpful and supportive.

The Board reviewed Secretary Smith's leave and pay records.

The Board reviewed and approved (Boad moved, Spanl seconded) the administrative expenditure vouchers numbered (1641-1690) and various travel vouchers.

There was a motion by Boad, seconded by Hughes, and carried that the retirement pensions and lump-sum settlements listed below be approved effective on the listed dates:

		<u>Effective Date</u>	<u>Amount</u>
Angstrom, Blake D.	Lincoln #7	1/01/08	180.00 @ age 60
Atkinson, Deni D.	Ritzville	12/17/07	228.00 @ age 62
Bachmann, Bill	Thurston #12	1/01/08 J/S	234.00
Bailey, Michael L.	Colfax	1/04/08	63.00
Bigelow, Catherine	Clark #14	8/08/07	108.30 @ age 62
Bond, Kenneth	Clark #10	1/18/08	180.00
Bonnell, William A.	Pierce #13	2/18/08	300.00
Brager, Harlan D.	King #16	4/04/08 J/S	163.02
Carpenter, Robert	Burlington	5/09/07	2,175.70 Lump
Clinesmith, Roy	Adams #6	2/17/08 J/S	257.10
Coffell, Robert	Concrete	2/24/08	228.00 @ age 62
Densley, Terence C.	Wilbur	12/31/07 J/S	253.20
Dunnick, Pamela	Clark Co. Sheriff	1/01/08 SURV	93.22
Fought, Clyde V.	Adams #5	9/05/07	240.00
Harding, Williams	King #39	2/28/07	2,465.79 Lump
Harrell, Melvin	Grand Coulee	11/16/07	300.00
Hatfield, Loretta	Dayton	1/02/08 SURV	114.20
Hedman, Harvey	Mason #13	2/13/08 J/S	242.70
Hentges, Daniel T.	Chewelah	4/03/08 J/S	258.60
Hoots, Robert W.	Chelan #5	2/12/08 J/S	186.50 @ age 62
Jones, David	Friday Harbor	10/11/07	3,367.43 Lump
Joyner, Hersh M.	Chelan #5	10/10/07	5,390.95 Lump
Judd, David	Grays Harbor #17	6/15/07 SURV	1,061.60 Lump
Kenison, Phillip G.	Kittitas Valley F&R	1/01/08	73.50
Knaus, Gary	Whatcom #16	4/07/08 J/S	250.80
Korshaven, Julie	King #45	12/1/07 SURV	3,923.08 Lump
Korth, Thomas L.	Burlington	9/11/07	3,300.58 Lump
Kounkel, James	Camano Island	3/01/08	300.00

Lantis, Larry L.	Zillah	9/24/07 J/S	190.61 @ age 62
Ledgerwood, Tom	Lincoln #4	12/3/07	170.00
Leno, Dave	Wahklakum #4	10/27/07	2,200.39 Lump
Liehr, Larry	East County F&R	12/13/07	300.00
Lindquist, Sid	Whatcom #3	12/29/07	217.50
Marlow, Max A.	Pierce #16	11/9/07	73.50
McDannald, Ken	Chelan #9	12/10/07	3,513.42 Lump
Michael, Jr., Thomas O.	Pierce #3	1/02/08	300.00
Moran, William	Klickitat #1	10/26/07 J/S	68.97
Morash, Gale P.	Whitman #6	12/24/07	2,310.41 Lump
Munkres, Raymond D.	Whatcom #7	2/07/08	276.00 @ age 64
Norwood, Craig	Yakima #14	11/15/07	2,200.39 Lump
Ohm, Gary	Snohomish #17	11/5/07	3,520.62 Lump
Otterson, Charles	Pacific #2	6/02/07	180.00 @ age 60
Pederson, Jerome A.	Electric City	4/14/08	187.50
Randall, Roger	Goldendale	2/21/08 J/S	242.70
Reed, Gary	Lewis #2	11/14/07	3,520.62 Lump
Rogers, Jerald	Snohomish #1	10/1/07	56.00
Rolph, Tom	Skagit #16	11/1/07	252.00 @ age 63
Schaible, Robert	Connell	5/30/07	3,371.15 Lump
Scheller, Sr., William F.	Mukilteo	11/21/07	300.00
Schuster, Craig A.	Klickitat #7	11/17/07 J/S	186.50 @ age 62
Scott, Betty	Walla Walla #5	1/01/08	80.20
Searle, Ramona A.	Klickitat #14	1/01/06	56.00
Smith, Wesley R.	Wapato	11/15/07	3,520.62 Lump
Storm, Gary	Skagit #5	1/01/08	5,656.63 Lump
Sudano, Dennis	Chehalis	1/10/08	3,960.40 Lump
Treggett, Scot E.	Island #3	12/31/07 J/S	141.11
VanAndel, Donald A.	Lynden	11/19/07 J/S	192.43 @ age 62
Vellie, Gary W.	Clallam #2	1/10/08 J/S	257.10
Wilcox, Barrie	Pierce #17	1/01/08	300.00
Young, Janet	Lincoln #7	2/07/08	5,076.63 Lump
Zagelow, James	Yakima #5	10/17/07	3,080.55 Lump
Zandecki, Jerome	Thurston #14	3/24/07	3,740.66 Lump
Zellar, Ronald D.	Raymond	3/18/08	2,838.87 Lump

SECOND HEARING OF THE PUBLIC

No comments.

There was a motion by Boad, seconded by Hughes, and carried that the meeting be adjourned at 12:00 p.m.



Brigitte K. Smith, Executive Secretary