

**MINUTES OF THE SPECIAL BOARD MEETING OF THE
TAMPA FIRE & POLICE PENSION FUND**

Livestream: <https://attendee.gotowebinar.com/register/7884812725352916576> Webinar ID: 246-485-803
Audio Only: (877) 309-2071 Access Code: 901-094-462
April 15, 2024 @ 11:30 a.m.

The Board of Trustees of the City Pension Fund for Firefighters and Police Officers in the City of Tampa met on Monday, April 15, 2024 at 11:30 a.m. for the purpose of formal hearing continuance proceedings for line-of-duty disability applicant Travis Smith, formerly of TPD, with the following members present:

Patrick Messmer, Chairman
Matthew Belmonte
John Cannon
John Haintz

Dennis Rogero
Gregory Spearman
Jamie Stock
Ocea Wynn

Also present were Dr. Bruce Bohnker, Medical Director; Dr. Mark Glencross, Medical Director; Mr. Pedro Herrera, Legal Advocate for Board; Mr. Robert Klausner, General Counsel; Mr. Paolo Longo, Counsel for Mr. Smith; and Mr. Travis Smith, Disability Applicant.

Mr. Messmer began by notifying Mr. Smith and Mr. Longo that one trustee was absent. Mr. Longo stated that the absence was noted and that they wished to proceed. Mr. Klausner advised the Board that the burden of proof was on the applicant. He further stated that the application, relevant personnel documents, and all medical evidence were admitted into the record. Mr. Longo made an opening statement, detailing timelines and the circumstances of Mr. Smith's ailments. Mr. Herrera followed with an opening statement of his own, opining that the case did not contain any objective findings. Discussion was held regarding the deposition of Dr. Harris, which was provided to the Board and later added to the record. Mr. Smith was then sworn in.

Following procedure, Mr. Longo stated that his case was based on the record presented to the Board and opined that the burden of proof had been met. Mr. Longo did not present the applicant as a witness. Mr. Herrera countered that various medical reports, exams, and depositions left the cause of Mr. Smith's afflictions in question. He cited conditions from Mr. Smith's pre-employment physical as possibly playing a role in his current condition.

Mr. Herrera called Mr. Smith as a witness and questioned him prior worker's comp claims, specific incidents where he felt his job was directly affected by his health problems, and his current well-being. Questions from the trustees were also directed to Mr. Smith. Mr. Longo declined to redirect.

[Recess from 12:58 p.m. – 1:21 p.m. to allow review of Dr. Harris' deposition]

Mr. Longo combined his rebuttal and closing statements. He argued that satisfactory evidence existed across all three prongs of the disability statute. Mr. Herrera then provided his closing, opining again that the burden of proof had not been carried and recommended denial of the disability to Mr. Smith.

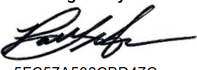
Mr. Messmer requested that Mr. Klausner review legal aspects related to worker's comp and any applicable presumption for all parties. Mr. Klausner cited relevant case law. Following the remarks, **it was moved by Mr. Belmonte, seconded by Mr. Stock to deny the line of duty disability application for T. Smith on the basis of causation, totality and permanence.**

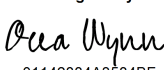
Discussion followed the motion with Mr. Messmer questioning if totality had been met. Mr. Klausner opined that it was with Mr. Smith's termination from the City of Tampa he should be considered totally disabled on the basis of existing case law. Mr. Klausner further stated permanency and causation still had

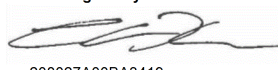
to be proven. **Mr. Belmonte amended his motion to deny the line of duty disability application for T. Smith based on causation and permanency. Mr. Stock seconded with Mr. Haintz, Mr. Rogero, Mr. Spearman, and Ms. Wynn in favor of the motion and Mr. Cannon and Mr. Messmer opposed.**

Mr. Klausner noted that he would draft the final order.

The meeting was adjourned at 1:48 p.m.

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Patrick Messmer
Chairman

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Ocea Wynn
Secretary

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Adam Hollen
Recording Secretary

Notice

No verbatim record by a certified court reporter will be made of this Board meeting, except as noticed for any executive sessions. Any person who desires to appeal any decision of the Board of Trustees with respect to any matter considered at this Board meeting will be responsible for providing a record of the proceedings and for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the appeal is based.

Persons needing a special accommodation to participate in any noticed meeting should contact the F&P pension office at (813) 274-8550 or (888) 335-8550 – toll free, or the Florida Relay Service at (800) 955-8770 – toll free, or dial 711 from any phone (regular phone/land line or cell phone) for the Florida Relay Service. Please make your request at least five (5) working days before the scheduled meeting date.