

**CITY OF PORT ORANGE  
POLICE OFFICERS' PENSION BOARD  
October 10, 2022**

The Port Orange Police Officers' Pension Board of Trustees met in special session on Monday, October 10, 2022 in the Police Department Training Room, 4545 Clyde Morris Boulevard, Port Orange, Florida.

MEMBERS PRESENT: Chairman Warren Carman (fifth member)  
Secretary William Proctor (police member)  
Brian Cobb (resident member)  
Drew Bastian (resident member)  
Andrew McKay (police member)

CONSULTANTS: Ken Harrison, Attorney (*Sugarman Suskind et al*)\*  
Madison Levine, Attorney (*Sugarman Suskind et al*)\*  
Karan Rounsavall, Plan Administrator

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Chairman Carman called the meeting to order at 3:42 p.m. A quorum was in attendance. Attorneys Harrison and Levine attended the meeting via video conferencing. (Zoom hosted by City of Port Orange)

The purpose of the meeting was to conduct a hearing on the application for a line-of-duty disability retirement submitted by Michael Wallace and to render a determination as to eligibility for disability benefits. Detective Wallace was in attendance.

Attorney Harrison reviewed the disability procedure and the role of pension board trustees. Trustees were fiduciaries and instructed to act in the best interest of the plan and its participants. Section 54-128 of the plan document, along with *Florida Statutes*, addressed disability benefits and the Board's responsibility in making such a determination.

Attorney Harrison advised that Detective Wallace submitted to an independent medical exam (IME) as required by *Florida Statutes* and the plan document on July 28, 2022. The IME was conducted by Amy Clunn of SIMED Health in Ocala, Florida. Board members were in receipt of Dr. Clunn's evaluation and conclusion that Detective Wallace's injuries were job related. The Board further acknowledged receipt of the electronic disability record for Detective Wallace which included his application for service-related disability retirement, police officer job description, applicable code provisions, and all medical records for the claimant related to injuries incurred in the line of duty.

The disability applicant had the burden of proof to provide through substantial evidence their inability to provide useful and efficient service as a police officer. In making this determination, the pension board considered five questions.

1. Did Detective Wallace suffer an illness or injury?
2. If Detective Wallace suffered an illness or injury, was it suffered in the line of duty (i.e., directly caused by the performance of his duties as a police officer for the City of Port Orange)?

3. Did the illness or injury cause Detective Wallace any disability?
4. If Detective Wallace suffered from a disability, was that disability permanent or was there a reasonable likelihood that the condition could be improved through treatment? Had Detective Wallace reached maximum medical improvement (MMI)?
5. Was Detective Wallace totally and permanently disabled from performing the duties of a police officer?

Attorney Harrison addressed these questions as answered by Dr. Clunn (IME physician) based on her review of his medical records and her physical examination. Detective Wallace suffered from right lumbar radiculopathy, right tibial/peroneal neuropathy, and sacroiliac arthralgia resulting from two on-the-job injuries that occurred on May 18, 2017 and September 1, 2019. Detective Wallace had worked in a light-duty status since the latest injury.

Several treating physicians (including the IME physician) determined that Detective Wallace's disabling condition was permanent and that he could not effectively perform the duties of a police officer. While Dr. Clunn answered all the above questions in the affirmative, she did not feel that her patient had reached maximum medical improvement (MMI) and recommended treatment by a physiatrist to optimize medication and non-surgical techniques. Even with these additional treatments, Dr. Clunn concluded that it was very unlikely that Detective Wallace could ever return to work as a police officer. Based on the evidence presented, Attorney Harrison stated that Detective Wallace met the required criteria for a service-related disability.

*Member McKay moved to approve a service-related disability retirement for Detective Michael Wallace as of October 10, 2022 based on the evidence presented. Member Bastian seconded the motion and it carried unanimously.*


Attorney Harrison explained how a service-connected disability benefit was calculated. The plan document provided that *"the monthly service-connected disability benefit shall be the participant's accrued retirement benefit or 51 percent of the participant's average monthly compensation at the time of disability, whichever is greater..."*

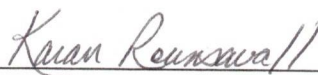
Detective Wallace had been on light duty since his latest injury (September 1, 2019) and received regular pay during that time. *Accordingly, the disability benefit described above would be based on his trailing 12 months of salary (i.e., from October 10, 2021 through October 10, 2022).*

Plan Administrator Rounsavall reminded trustees to delete Detective Wallace's medical records from their computers. A permanent copy of same was maintained by the pension plan.

**PUBLIC COMMENT** - None

The meeting adjourned at 3:54 p.m.

  
Warren Carman, Chairman

  
Karan Rounsavall, Plan Administrator