

**BOARD OF TRUSTEES**  
**DOWNERS GROVE FIREFIGHTERS PENSION FUND MEETING**  
**Downers Grove Fire Department**  
**Fire Station 105 (Primary) and Electronic Conference**  
**Special Meeting**  
**October 13, 2022 – 1700 hrs.**

**Agenda Item – 1**

Trustee Bacidore called the meeting to order at 1700 hrs.

**Agenda Item – 2**

Trustee Bacidore made a recommendation that a motion be made to allow electronic attendance.

**MOTION:** A motion was made by Trustee Bacidore to conduct the October 13, 2022 Special Pension Board meeting electronically. Seconded by Trustee Campbell.

Roll Call vote:

Trustee Moy	Aye	(electronically)
Trustee Bacidore,	Aye	(in person)
Trustee Campbell	Aye	(electronically)

**Motion carried by a vote of 3-0.**

**Member Absent**

Trustee Kuchta

Trustee Ludwig is no longer on the Board

**Guests**

FF/PM Joe Rehak	(in person)
FF/PM Jason Driscoll	(in person)
DC Dan Tasso	(electronically)
DC Rob Pekelder	(electronically)

Trustee Bacidore made a motion requesting consent by each participant in the meeting to be recorded during the October 13, 2021 Downers Grove Firefighter Pension Board Quarterly meeting. Seconded by Trustee Bacidore.

**Members**

Trustee Bacidore,		Consents
Trustee Campbell		Consents
Trustee Moy		Consents
Trustee Ludwig		Consents
Trinette	- Lauterbach & Amend, LLP (electronically)	Consents
Vincent Mancinni, Attorney - Reimer & Karlson LLC	(electronically)	Consents
DC Dan Tasso	- DGFD (electronically)	Consents
DC Rob Pekelder	- DGFD (electronically)	Consents
FF/PM Joe Rehak	(in person)	Consents
FF/PM Jason Driscoll	(in person)	Consents

**Agenda Item – 3**

**New Employees/Retirees/Issuance of Refund**

**Agenda Item – 4**

**New Business**

Trustee Bacidore advised that the purpose of the Special Meeting is retirement calculations. The Pension Board has received two service retirement requests. Those calculations have been done by Lauterbach & Amen and submitted to the Pension Board for approval.

Battalion Chief James Werner entered the Fire Department on September 28, 1992 with a retirement date of October 3, 2022. The effective date of his pension will be October 4, 2022. He is 55 years old at the date of pension, with a total creditable service of 30 years and 0 months. His final applicable salary is \$131,114.88 of which he will be entitled to a benefit of 75%. The amount of the monthly pension to the member will be \$8,194.68.

**MOTION:** A motion was made by Trustee Campbell to accept and approve as confirmed by Payroll the application for retirement for BC James Werner. Seconded by Trustee Moy.

Roll Call vote: Trustee Bacidore Aye  
Trustee Moy Aye  
Trustee Campbell Aye  
**Motion carried by a vote of 3-0.**

Deputy Chief Daniel Tasso entered the Fire Department on July 24, 2000 with a retirement date of November 4, 2022. The effective date of his pension will be November 5, 2022. He is 50 years old at the date of pension, with a total creditable service of 22 years and 3 months. His final applicable salary is \$150, 025.84 of which he will be entitled to a benefit of 55.63%. The amount of the monthly pension to the member will be \$6,954.32.

**MOTION:** A motion was made by Trustee Bacidore to accept and approve as confirmed by Payroll the application for retirement for DC Daniel Tasso. Seconded by Trustee Campbell.

Roll Call vote: Trustee Bacidore     Aye  
                  Trustee Moy            Aye  
                  Trustee Campbell    Aye  
                  **Motion carried by a vote of 3-0.**

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**Agenda Item**  
**Overpayment of Surviving Spouse Benefit**

Trinette gave background on the situation. On September 28, 2022, Lauterbach & Amen received a return to sender envelope from John Wimmer saying he was deceased. The Benefits team did some research and he found that he has been deceased since October 15th 2020. Trying to find the surviving spouse, we found that she has been deceased since January 28th, 2021. There is a large amount of overpayment to the member and surviving spouse which is approximately \$86,000 at this time. The Benefits team reached out to the daughter but we have not heard back from her. Trinette queried if the Board had heard anything differently.

Trustee Campbell queried if the daughter was the Executor of the Estate. The Benefits team saw her listed on the obituaries that is why they reached out to her but that is the only information that was found. Her name is Jacqueline. Trustee Campbell also inquired as to where the money was sent. Trinette advised that it was his monthly direct deposit. But on the envelope it was marked returned to sender/deceased. Trustee Campbell advised that in the past yearly confirmations were send out but that Lauterbach was not asked to do this. He asked if Lauterbach offers an annual service to send out affirmation as a check and balance for any changes to the status of the retiree. Trinette advised that Lauterbach does offer that service and can prepare an engagement letter that the Board would approve to do that service going forward. Trustee Campbell advised that he would like that letter prepared for the next meeting in November and he will bring a motion to approve it then.

Trinette advised that the September payment was not overpaid but the total of \$86,000 does not include the reversed September payment. Which would then bring it down to \$83,000.

Trustee Campbell asked Atty. Mancini saying that no further action has been taken until the Board

was notified of what was going on. He asked what the Board needs to do to recoup the funds.

Atty. Mancini advised that the process is file a police report because the Fund may be able to file an insurance claim for this loss. He asked that if there is a policy regarding this type of problem that the information be sent to him so he can see if it is a covered loss.

The second approach is to try and collect it back from the Estate. Being that the widow (who died January 28th, 2021 there might be a chance that the Estate is still open. If it is open, the Board could file to legally reopen it to go through the process of discovery where the money went and who it was distributed to and he feels this is warranted with the amount at issue. If the Estate is not open, the Pension Fund could actually open the Estate for the widow and do the same process of discovery, getting bank records. The Fund does know where the money was sent for direct deposit and it should be fairly easy to track. This would lead to a claim against the individual for unjust enrichment, fraud etc. which would create leverage in the hopes that if the loss is not covered by insurance, some or all of the funds could be recovered from the person who received these payments.

Trustee Campbell advised that the fiduciary insurance should be on file with Reimer law firm and if not he will provide a copy. He also asked if there is a time line that needs to be realized in order to file this claim. Atty. Mancini advised that yes it must be claimed within a reasonable time of learning of the loss. The insurance company would then investigate and take over the prosecution of the case and try to collect the funds.

Trustee Campbell asked if Atty. Mancini would advise the Board to file the insurance claim or direct counsel to investigate the options of whether there is an Estate open or reopening an Estate. What is the best option for pursuing. Atty. Mancini advised that the Board could do both. The law firm could start looking into whether the estate is open. The insurance claim should be the first priority and be done as quickly as possible so the insurance company cannot claim lack of timely notice. The lawsuit should be secondary.

**MOTION:** A motion was made by Trustee Campbell to direct Fund Council to investigate the Fund's insurance policy and file a claim as well as send a letter contacting Lauterbach & Amen to research the Executor of the Estate of John Weimer and demand that the monies be returned. Seconded by Trustee Bacidore.

Roll Call vote: Trustee Bacidore     Aye  
                  Trustee Campbell    Aye  
                  Trustee Moy         Aye

**Motion carried by a vote of 3-0.**

During the roll call Trustee Moy asked why for a more simplistic approach by having the DGPD contact act the recipients of the monies before going through the process of insurance claims etc.

Trustee Campbell advised the he would be going to the Downers Grove Police Department on October 14, 2022 to file a police report and set the investigation into motion. It is felt that it will be an out of state investigation also.

Trustee Campbell advised he wanted to be sure that a timely claim was filed with the insurance company also so that the insurance company would not have grounds for denial.

**Old Business**

**None**

**PUBLIC COMMENT**

None

**ADJOURNMENT**

**MOTION:** Trustee Campbell made a motion to adjourn.

Trustee Moy seconded the motion.

**Motion carried 3-0.**

**Roll call was taken:**

Trustee Campbell	Aye
Trustee Bacidore	Aye
Trustee Moy	Aye

The meeting adjourned at 1719 hrs.

Respectfully submitted.

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Firefighter/Paramedic Anthony Bacidore, Secretary

AB: pp All Files/Pension/2022 –10-13-22 Special Meeting Minutes