

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

Location: Tampa Convention Center, Room 20-21

Livestream: <https://attendee.gotowebinar.com/register/3851984367704012816> Webinar ID: 994-371-811

Audio Only: (866) 901-6455 Access Code: 619-159-474

December 9, 2020 9:00 a.m.

The Board of Trustees of the City Pension Fund for Firefighters and Police Officers in the City of Tampa met in rooms 20-21 of the Tampa Convention Center on Wednesday, December 9, 2020 at 9:00 a.m. for the purpose of formal hearing proceedings for line-of-duty disability applicant Ryan Floyd, formerly of TFR, with the following members present:

Douglas Burkett, Chairman
Matthew Belmonte
John Cannon
Trevor Hall

Patrick Messmer
Gregory Reed
Gregory Spearman
Ocea Wynn

Also present were Dr. Bruce Bohnker, Medical Director; Mr. and Mrs. Ryan Floyd; Jason Fox and Misti Howie, legal counsel for applicant. Michael Srebnick, legal advocate for board, and Stuart Kaufman, board counsel, participated telephonically.

It was noted that there were no objections from Mr. Floyd or his attorney with moving forward with eight trustees and there are no due process concerns at this time.

Mr. Fox asked that the original disability package and additional records provided by his office, including deposition transcripts be received into the record. **It was moved by Mr. Reed, seconded by Mr. Messmer and by unanimous vote to accept the record into evidence.**

Ms. Howie, counsel for the applicant, provided an opening statement requesting that the Board find that the disabling injury was incurred in the line of duty. She briefly reviewed the events leading up to the cause of injury, as well as some of the facts that were considered at the initial disability hearing. Mr. Fox, counsel for the applicant, also made an opening statement opining that there was no evidence of post-traumatic stress disorder (PTSD) in Mr. Floyd's pre-employment physical and that all examining doctors attributed the cause of the PTSD to Mr. Floyd's work as a firefighter. He opined that Mr. Floyd has met the burden of proof needed to be awarded a disability pension based on this. Mr. Michael, legal advocate for the board, also presented an opening statement opining that medical records concerning Mr. Floyd are not clear and that his stress and panic attacks attributed to PTSD are in fact related to personal family issues that treating doctors were not made aware of.

Mr. Floyd was sworn in for testimony. Direct examination by Ms. Howie and Mr. Fox followed. Mr. Floyd described the events that occurred on and up to June 29, 2010 in which he responded to a double officer shooting as a first responder. Mr. Floyd points to this incident as the beginning of his symptoms related to PTSD. He also provided a brief outline of the time period following this date with regards to various doctor visits and light duty assignment.

Cross-examination by Mr. Srebnick ensued. Mr. Floyd explained that he did not alert co-workers/superiors to panic attacks initially, but did later. Mr. Srebnick questioned Mr. Floyd if the impending birth of his third child and health of his stepfather at the time played a role in his onset of panic attacks and anxiety. Questions were raised regarding prior mental health treatment for anxiety and depression related to martial issues. Mr. Floyd provided further background on counseling and psychiatric help he received.

Ms. Howie and Mr. Fox declined any re-direct questions.

Trustees were provided with an opportunity to pose questions to the applicant. Mr. Floyd clarified his apprehension to passing by certain locations was not related to fire stations in general and has improved since his move out of state. Mr. Fox followed the Trustees' inquiries by asking Mr. Floyd if his doctoral diagnosis of PTSD gave him a better understanding of his symptoms and ailments. Mr. Floyd opined that it did.

[Brief recess from 11:03 a.m. to 11:16 a.m.]


Dr. Gary Arthur was sworn in for testimony. He provided details of psychiatric examinations of Mr. Floyd, as well definitions of PTSD and anxiety disorder. Dr. Arthur classified Mr. Floyd as having a moderate-to-severe case of PTSD and that he did not suspect any malingering of symptoms by Mr. Floyd. Mr. Srebnick cross examined Dr. Arthur related to accurate medical history being needed in order to form the clearest possible diagnosis and the possibility of Mr. Floyd's condition existing prior to his employment with TFR. Trustees were provided with an opportunity to pose questions to Dr. Arthur. The line of questions centered on medications prescribed to Mr. Floyd and tests performed during treatment.

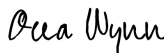
[12:09 p.m. Trustee Wynn leaves the meeting.]


[Brief recess from 12:09 p.m. to 12:18 p.m.]

Mr. Fox requested an informal vote to indicate if present trustees would be willing to approve the application. Mr. Kaufman advises against the request, stating there is still more information the Board should consider, and continuation is suggested. It was agreed upon by general consensus to continue the hearing at a later date. Mr. Fox requested to hold the continuance remotely because Mr. Floyd now lives out of state. Both sides stated they have no further live witnesses to present and holding the continuance remotely was agreed upon by the board.

The meeting adjourned at 12:22 p.m.

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Douglas Burkett, 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.