



**CITY OF SCOTTSDALE
FIRE LOCAL BOARD OF THE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)
REHEARING MINUTES**

Thursday, September 15, 2022

North Corp Yard
9191 E. San Salvador Drive
Scottsdale, AZ 85258

PRESENT: Hugo Meraz, Chairperson/Mayoral Designee
Amy Barczak, Citizen Member/Merit Head
Ken Strobeck, Citizen Member (MS Teams)
Steve Springborn, Elected Member
Todd Caverner, Elected Member

STAFF: Autumn Asmus, PSPRS Local Board Secretary
Darlene Ganger, Senior HR Benefits Analyst

GUESTS: William Whittington, Law firm of BPCWS
Steve Leitzell
Mrs. Leitzell
Thomas Griffin, (Mr. Leitzell's attorney)

Call to Order

Chair Meraz called the meeting to order at 10:34 a.m.

Roll Call

Members present as listed above.

Public Comment

There were no members of the public who wished to speak.

Possible Executive Session

1. Possible vote to go into executive session for legal advice pursuant to A.R.S. §38-431.03(A)(3); for personnel matters pursuant to A.R.S. § 38-431.03(A)(1) and pursuant to A.R.S. 38-431.03(A)(2) for discussion or consideration of records exempt by law from public inspection regarding Accidental Disability Application submitted by Steve Leitzell.

BOARD MEMBER SPRINGBORN MOVED TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE AND TO CONSIDER CONFIDENTIAL RECORDS. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). CHAIR MERAZ AND BOARD MEMBERS STROBECK, BARCZAK, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

EXECUTIVE SESSION HELD FROM 10:37 A.M. TO 10:50 A.M.

2. Discussion and possible action re: rehearing on Accidental Disability Application submitted by Steve Leitzell; possible Independent Medical Examination re: same; possible decision on rehearing of Accidental Disability Application; possible approval of Resolution re: same.

Chair Meraz offered Steve Leitzell and his attorney, Thomas Griffin, an opportunity to speak.

Mr. Griffin said that the reason for the request for rehearing is the conflict in medical evidence. He noted that Mr. Leitzell's resignation from his position has no bearing on his eligibility for disability retirement under PSPRS. He referenced case law Parkinson vs. Guadalupe Public Safety Board. Mr. Leitzell was not forthcoming with his issues during his IME session because he was unsure of what he was allowed to disclose. He has been in therapy with Jessica Hagan for approximately 14 months and she has diagnosed him with delayed onset PTSD. Ms. Hagan has submitted a letter dated July 10, 2022, describing a traumatic incident with delayed response in his personal life and a second letter dated July 25, 2022 describing delayed onset PTSD. In those letters she states that "The research indicates that individuals with delayed PTSD symptoms report a worsening of those symptoms, triggered by experiencing another traumatic event with similarity to the previous traumatic event." She went on to say "Events in the future that bear a resemblance to the original traumatic event, in any form, could be the straw that breaks the camel's back and becomes the tipping point for clinically significant PTSD symptoms."

Steve Leitzell spoke in detail about a past experience in May of 2020 where he was faced with a teenage girl who was killed and how it has affected him. He noted that he had sought counseling to deal with that incident and a previous incident, but felt like it was not helping because it was in online sessions. He went on to describe an incident where the traumatic experience with the teenage girl caused him to respond uncontrollably to an incident with his own teenage daughter. Shortly after that incident he was given an ultimatum at work to either resign or be fired, and he chose to resign due to health and personal issues.

Mr. Leitzell stated that he felt that he was not able to open up to the IME doctor at the time that he was sent, but that thanks to the therapy he has received with Ms. Hagan, he is ready to talk more openly about the traumatic events and his dramatic response if given the opportunity to

see another IME doctor. He briefly described information that he was comfortable talking about with Ms. Hayden that he was uncomfortable disclosing before.

Chair Meraz noted that the letters from Ms. Hagan are Bates stamped 111-112.

Mr. Griffin noted that Ms. Hagan was not willing to testify during this hearing because of her internal policies.

Board Member Springborn said that it takes firefighters a long time to gain trust and be willing to discuss things beyond a legal aspect. He said that he understands Mr. Leitzell's initial reluctance to discuss the situation during the initial IME and his concern about violating confidentiality. He commented that efforts are being made to get better at dealing with mental health in fire service, but there is a long way to go.

BOARD MEMBER SPRINGBORN MOVED TO SEND STEVE LEITZELL FOR AN ADDITIONAL IME TO DETERMINE IF HIS CONDITIONS QUALIFY FOR ACCIDENTAL DISABILITY. BOARD MEMBER CAVNER SECONDED THE MOTION.

Chair Meraz expressed a desire to go into Executive Session.

BOARD MEMBER SPRINGBORN WITHDREW HIS MOTION.

CHAIR MERAZ MOVED TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE. BOARD MEMBER BARCZAK SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). CHAIR MERAZ AND BOARD MEMBERS STROBECK, BARCZAK, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

EXECUTIVE SESSION HELD FROM 11:12 A.M. TO 11:35 A.M.

BOARD MEMBER SPRINGBORN MOVED TO SEND STEVE LEITZELL TO A NEW IME DOCTOR FOR THE PURPOSE OF DETERMINING IF HE MEETS QUALIFICATIONS FOR AN ACCIDENTAL DISABILITY. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). CHAIR MERAZ AND BOARD MEMBERS STROBECK, BARCZAK, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

Board Members suggested to Mr. Leitzell that it would be in his best interest to provide all additional documents that he feels are pertinent, including all medical records, to the new IME.

Adjournment

BOARD MEMBER SPRINGBORN MOVED TO ADJOURN THE MEETING. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED FIVE (5) TO ZERO (0). CHAIR MERAZ AND BOARD MEMBERS STROBECK, BARCZAK, CAVNER, AND SPRINGBORN VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 11:38 a.m.

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