

CITY OF SIERRA VISTA
POLICE PENSION BOARD MEETING
June 27, 2022

CALL TO ORDER

Chairman Gregory Johnson called the regular meeting of the City of Sierra Vista Police Pension Board to order on June 27, 2022 at 9:04 a.m., in the City Manager Conference Room, City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona.

ROLL CALL

MEMBERS PRESENT: Councilperson Gregory Johnson, Chairman
Gary L. Smith, Board Member
Barbara L. Fleming, Secretary
Jordan Boltinghouse, Police Corporal
Jessica Ferrel, Police Officer

MEMBERS ABSENT: None

OTHERS PRESENT: Shanna Melanson, Human Resources Analyst
Stephen Coleman, Local Board Attorney
Peter J. Van Wesep, via Webex
Caroline A. Pilch, Attorney for Mr. Van Wesep, via Webex

ACCEPTANCE OF THE AGENDA

Jordan Boltinghouse motioned that the agenda be accepted as written.

Jessica Ferrel seconded the motion.

VOTE: Unanimous.

The motion carried.

At 9:06, Gary L. Smith motioned that the Board go into Executive Session.
Jordan Boltinghouse seconded the motion.

VOTE: Unanimous.

The motion carried.

Board Attorney Stephen Coleman asked if the Executive Session was for legal advice or to review confidential records. Secretary Barbara L. Fleming stated it would be to review medical records and for legal advice. Mr. Coleman stated he that those should be done separately because Mr. Van Wesep and his council could attend during the medical records session but that the legal advice would be a confidential session.

Chairman Johnson stated that the Board would go into Executive Session for the purpose of legal advice pertaining to the continuation of the hearing on the application for disability filed by Mr. Van Wesep.

Mr. Van Wesep and Attorney Caroline Pilch disconnected from Webex.

At 9:20, Jessica Ferrel motioned that the Board come out of Executive Session. Chairman Johnson seconded the motion.

VOTE: Unanimous.

The motion carried.

While waiting for Mr. Van Wesep and Attorney Pilch to reconnect to Webex, Chairman Johnson asked Ms. Fleming when was the last medical report the Board received from Mr. Van Wesep. Ms. Fleming stated the last visit was 5/26/22 and it was a telesite; another telesite exam on 3/31/22, 3/17/22, he was established as a patient on 2/15/22; new patient 1/27/22 and he canceled his appointment on 11/22/21. She stated this was the information that Attorney Pilch provided for additional medical. Ms. Fleming stated they were all tele appointments.

NEW BUSINESS

1. Physical Examinations

Secretary Barbara L. Fleming advised the board that the physical examination pre-existing reports for Carolanne Frisby and Sean Laduca need to be acknowledged.

Gary L. Smith motioned that Carolanne Frisby's Pre-Existing Condition Report dated November 3, 2021 containing no pre-existing conditions and Sean Laduca's Pre-Existing Condition Report dated May 11, 2022 containing no pre-existing conditions be acknowledged effective June 27, 2022.

Jessica Ferrel seconded the motion.

VOTE: Unanimous.

The motion carried.

2. Application for Accidental Disability Retirement – Peter J. Van Wesep.

Chairman Johnson stated that they were going to reconvene for the continuation of the hearing on the application for Accidental Disability Retirement on Peter Van Wesep and that the Board could go into Executive Session again if necessary.

Secretary Barbara L. Fleming advised the Board that Peter J. Van Wesep has worked for the City of Sierra Vista as a Firefighter for eight years and as a Police Offer for almost six years and he applied for an accidental disability retirement. At a previous Board meeting held on May 26, 2021, the Board continued his application for lack of documentation. On July 22, 2021, he submitted documents and a request to hold another meeting. Another meeting was held on August 13, 2021 at which time the Board voted to table the request yet again for lack of documentation. Mr. Van Wesep's attorney has now requested another meeting be held.

Mr. Coleman stated "I want to make the record clear that Mr. Van Wesep's attorney did submit supplemental medical documentation for consideration and review by the Board".

Ms. Fleming stated "That is correct and that is the documentation right here" (she produced it for the Board to view). The Board took some time to read through the medical documents.

Mr. Coleman stated "once the Board has finished reviewing the information I recommend that they give Ms. Pilch and her client an opportunity to address the Board and provide any information they would like us to consider. And then at that point, the Board is free to ask questions or to deliberate regarding the next steps".

Chairman Johnson stated "very good, thank you. I was going to do that". The Board continued to look over the records.

Chairman Johnson asked "Gary you have had sufficient time to look over these records"? Mr. Smith stated "I came in a week ago; last week". Chairman Johnson said "Ok, good".

Chairman Johnson stated "Ok, everybody has had a chance to review the records that have been recently submitted. Counselor, would you like to make a statement on behalf of your client"?

Attorney Pilch stated "Yes, I would. It appeared from the minutes from the last meeting that the Board still had questions as to whether Pete continued to seek medical treatment after he relocated to Georgia and if so, whether his medical provider in Georgia had reached the same medical opinion as his medical providers in Arizona as to his PTSD condition; whether it had improved or whether it was permanent. And as the Board can see from the medical records that we've submitted from Dr. Corey Beck who Pete continues to see in Georgia, Dr. Beck has reached the same conclusion as Dr. Arellano and Counselor Nancy Williams that Pete suffers from PTSD that is total and permanent. He cannot return to his job as a law enforcement officer and there is no evidence that the PTSD was a pre-existing condition. And I think with these medical records, the Board will hopefully send Mr. Van Wesep to an IME. And I'm not sure if Pete's on, I can't tell, and if so, whether he wants to make a statement. Pete"?

Mr. Van Wesep stated “I am on. I’m not sure if anyone can hear me or not (Chairman Johnson stated they could hear him). I’ve had a little bit of problem with the app but I think I got it figured out. I don’t have anything to say at this time”.

Chairman Johnson asked “Any questions from the Board? I have one Counselor, in the information that has been provided to the Board for this particular hearing from Mr. Beck, I don’t see any recommendation that he’s reached his maximum medical improvement. I think that’s required before an IME would be requested”.

Attorney Pilch stated “At this point, the medical records from both Dr. Arellano and Dr. Beck conclude that the PTSD is ongoing. Let me just quote from Dr. Beck’s letter of April, 11th 2022, Dr. Beck reaches the conclusion that ‘Mr. Van Wesep suffers from a mental condition, specifically PTSD, that totally and permanently prevents him from performing a reasonable range of duties required of a law enforcement officer and that the PTSD was caused by or incurred in the performance of his law enforcement duties’. And then similarly, I’m going back now to Dr. Arellano’s letter to the Board, well to whom it may concern, dated May 27th 2021, and Dr. Arellano reached the absolute same conclusion. He said that, it is in the final sentence that ‘it’s also my opinion this disability is permanent’. I think these doctors have indicated that while Pete continues to suffer from PTSD; this is a permanent condition that is going to totally prevent him from performing the duties of a law enforcement officer”.

Chairman Johnson asked “What is Dr. Beck’s credentials”?

Attorney Pilch stated “What I have is exactly what the Board has. He is an MD and it appears that, again all I have is what the Board has, biological behavior health is where he practices at and it says general adult and forensic psychiatric. He is a medical doctor, a psychiatrist”.

Chairman Johnson said “Alright, thank you Counselor”.

Gary L. Smith stated “I have a question. This is Gary Smith. I see no indication in the medical records that have been provided that Peter has completed the EMDR treatment. I know there’s been some treatment beyond March that we saw in old records from Nancy Williams and nothing. I don’t know if his treatment worked; we don’t know if it didn’t work; I don’t know the status of that treatment. Can you provide me with the status; the final result of the treatment”?

Attorney Pilch stated “I’ll let Pete address that in just a minute but he saw Nancy Williams while he was in Arizona but when he relocated to Georgia, he saw Dr. Beck. And I don’t think that Dr. Beck, give me a minute, let me take a look at these records...”.

Mr. Smith stated “I did note in Dr. Beck’s report that, it says that the applicant started EMDR but didn’t have many treatments before he left Arizona, quote ‘it was exhausting’.”

Attorney Pilch said “Ok, Pete can you address the EMDR treatment because I don’t have anything other than what the Board is looking at”.

Mr. Van Wesep stated “Yes, I can. The EMDR treatment that I went through was with Nancy Williams. Once I left Arizona, I no longer was involved in any EMDR treatment. As far as any

improvements from EMDR, or any of the treatments that I've had, to include medication and pop therapy, cognitive behavioral therapy, there's been little to no improvement whatsoever".

Mr. Smith stated "Well what I would like to see Peter is a final report from Nancy Williams indicating the status of that treatment. I'm just not seeing that. I realize you moved to Georgia, left Arizona, but what was the status? Did she see some improvement, no improvement, was more treatment needed, where was it going? Was it having any affect? And I'm just not seeing that. Another statement by Dr. Beck, he says, quote 'he's still thinking he is going to move forward with the program at some point' unquote. I don't know what program that is. It seems to me that treatment has not been completed".

Mr. Van Wesep said "So the program, I can answer that, the program that Dr. Beck is referring to was called the Honor Strong Program through Talbot recovery based in Atlanta. Given the severity of my condition, Dr. Beck felt I needed an inpatient/outpatient eight to ten week program focusing on the treatment of the trauma, the PTSD, depression, and the associated anxiety. The problem that I have with that program is number one, I don't qualify for it because I don't have an alcohol or substance abuse problem which goes along with it. There were four other programs that were also given to me which cover roughly the same thing. The only issue I have with that right now is that the cost of those programs are anywhere from ten to forty thousand dollars. Even with my in-network insurance discounts, the cost of these programs is just astronomical and something that my family and I, we simply can't afford right now. So, I continue on with my treatments with Dr. Beck, I continue on with my treatments with my medications and I'm looking into seeing another local psychiatrist here who can do some other therapies, versus having to incur this ten to forty thousand dollar cost for an inpatient/outpatient recovery facility. So that was my consideration. It's not a whole lot to consider there especially when you don't have the money for it".

Mr. Smith said "Sure, now didn't Commander Hiser offer also the Boulder Crest Retreat program early on when this situation started"?

Mr. Van Wesep answered "Yes. That was a one-week program and at that time I was with Dr. Arellano and Dr. Arellano didn't recommend that program because my support system was so well in place with him and with my family he didn't feel that shutting me away in that type of environment, boot camp almost so to speak, was the right thing to do at that time. It would have been a weeklong program".

Mr. Smith asked "Now would that have been, the City would have paid for that or do you know who would have taken the cost of that"?

Mr. Van Wesep answered "The City would pay for that. Or I don't know if they would have to pay for that or if it was just going to be a tryout".

Mr. Smith replied "Ok. Thank you Peter. I have another question. I realize that your disability application is based on PTSD, there's a final report dated June the 1st of 21st (2021) from Dr. Arellano and he lists bipolar in there in the assessment section. What's up with that"?

Mr. Van Wesep replied "Yeah that was something that the doctors were looking into because I wasn't responding to some of the depression treatments and I was still having a lot of panic

nightmares and things like that. After continuing with Dr. Arellano and then starting up with Dr. Beck, I asked Dr. Beck about it and he said there's absolutely no indication whatsoever that I'm bipolar. I don't have the manic episodes typical of a bipolar person. My mental disability is strictly caused from complex PTSD and the lithium that I take is to help that or augment the treatment for the depression that I have".

Mr. Smith asked "In the documentation do you have a letter or anything in writing from Dr. Beck indicating that bipolar is not part of the problem"?

Mr. Van Wesep answered "It's not listed as a diagnosis in any of my documentation".

Mr. Smith asked "So there's no documentation where he is ruling bipolar out is that my understanding"?

Mr. Van Wesep answered "No, I'm not being treated for bipolar. I'm not bipolar".

Attorney Pilch stated "I think Dr. Beck's medical records have diagnosed Pete with panic disorder and PTSD and recurring major depression but there's never ever, Dr Beck has not diagnosed him as bipolar. And the report from Dr. Arellano which is after the one that you noted dated July 1st 2021, Dr. Arellano also makes no mention of being bipolar at all. This final assessment claim and this is from July 1, 2021 is PTSD and he also concludes in that that it is clear that patient will no longer be able to return to work and will need to find a new type of career. There's not any mention of bipolar in the last medical record from Dr. Arellano".

Ms. Fleming stated "So I think I noted in Dr. Beck's paperwork that he indicates in his note that he has no past medical history or family history in any of his documentation to review".

Attorney Pilch stated "Right. I think Dr. Beck, in his letter dated April 11th 2022 states there is nothing in his available medical history to indicate that he suffered from PTSD prior to his employment as a Law Enforcement Officer and I don't believe that the.. when Pete had to undergo his pre-employment physical, I don't think there's anything that indicates that he has a pre-existing condition. I haven't seen anything anyway".

Mr. Smith asked "What event caused the PTSD"?

Attorney Pilch stated "Pete that will be a question for you".

Mr. Van Wesep answered "In my condition I have what's called complex PTSD. It's not from a single event; it's a series of events over a period of days, weeks, months or years. So it's the repeated exposure to traumatic events; whether it be car accidents, heart attacks, fights, guns, violence, any number of things that you could encounter on a daily basis as a Police Officer and as a Paramedic. It's the culmination of all those things that has brought on my PTSD. It's not just one single event".

Jordan Boltinghouse asked "Are you able to give us any incidents specifically? Not necessarily one, in general".

Mr. Van Wesep asked "I'm sorry any specific incidents"?

Jordan Boltinghouse said “Ok so it’s an overall traumatic event. Are you able to give us any examples; specifically that may have contributed to this”?

Mr. Van Wesep answered “I really can’t give any one specific event. The only thing that I started to notice, and this is when I was at Buena High School as the School Resource Officer and I’d be listening to the radio. When I would hear officers clear the channel or there’d be a, gosh I forget what they even are right now, hot tone, you know officers that are sounding stressed, I’d be in my office, or I would be in the hallway, and I’d start to cry. Over the summer when I wasn’t at school, I would do the same thing in my car. Any type of aggravated incidents, any type of incidents that had to deal with trauma or violence or shouting, became increasingly difficult, almost impossible for me to deal with. Man you know what it’s like, I know you don’t know what it’s like to be a Paramedic but you know I did a lot of the medical side of it too and on any given day I would see someone die; I would try to help somebody live. There’d be car accidents, there’d be a drowning, there’d be violence, there’d be domestic violence, there’d be so many things that are so traumatic and repetitive. That’s where my PTSD has come from, not any one specific event like a bomb going off or one traumatic incident like a car accident where I saw a young lady die or I saw a shriveled-up baby that was neglected and wasn’t taken care of. Jordan these are hundreds of events that I’ve been through over the last years”.

Mr. Smith said “Dr. Beck noted in one of his reports that you reported seeing someone commit suicide. Can you describe that incident to us”?

Mr. Van Wesep answered “There’s been people who, there was one instance where, this is one I think of quite a bit, it wasn’t necessarily right in front of me but it had just happened; a lady who had some mental illness apparently she had, she had two kids and she was living with her mom and needless to say the mom took the two kids to school and this lady was so mentally disturbed that she put a sock in her mouth and wrapped duct tape around her face and suffocated herself. I don’t see how anybody could do that. You know what place could they possibly be in with how hurting they are. I’ve kicked in doors before where there’s been somebody unconscious inside and they’ve blown their head off. I’ve seen people who have hung themselves before. It’s um, I’ve had an instance of once when I walked into a home that they; a guy had taken a shot at his father and I’m shaking now thinking of it again, I actually heard him rack the chamber and then he ended up committing suicide by shooting himself in the head once we got the father out of the house. That was over on Greenbriar. Turned into a big SWAT operation and everything. So, again I don’t know what to tell you guys. There’s a lot that I have to deal with and a lot that’s in my mind. So...”.

Ms. Fleming asked “On those two incidents that you were describing, the mom with the sock and the gunshot, can you give us some sort of timeline for those? Approximate timelines”?

Mr. Van Wesep asked “Timelines?”

Ms. Fleming answered “Yes, when it happened”.

Mr. Van Wesep answered “Yeah, I wouldn’t be able...the two gunshot wounds were the most recent and those would have been within the last year, year and a half of my employment as a

Police Officer and then the other one was quite a bit before that. I've never forgotten that suffocation so I can't give you any specifics dates of those".

Ms. Fleming asked "Were all incidents while you were a Police Officer or were they prior"?

Mr. Van Wesep answered "Yeah they were all when I was a Police Officer".

Ms. Fleming said "Ok, so it'll be on your call logs. In one of your counseling session notations there is a discussion you had with the counselor that's described of a child dying in a motor vehicle accident that is causing problems. Can you give us a little bit, again a timeline or references to when this is"?

Mr. Van Wesep answered "I don't know exactly which event that could be. The one that comes to mind most often is when a young lady died over on Golflinks and BST. That was when I was a Police Officer. That was a couple years ago and as a medic I was the first one there. I tried to treat her and save her life and she ended up living for about another week but then ended up dying".

Mr. Smith asked "So have you ever seen someone commit suicide right in front of you"?

Mr. Van Wesep answered "No".

Mr. Smith stated "Ok. How many visits have you had with Dr. Beck since you've been in Georgia"?

Mr. Van Wesep answered "I couldn't say exactly for sure. It's been at least six. I have a visit scheduled again tomorrow".

Mr. Smith asked "Ok, what type of visits are they? Are they office visits? Telephonic? Zoom? What kind are they"?

Mr. Van Wesep answered "I've had one office visit early on and then the rest of the visits are by like a Zoom meeting. He has a virtual office that I talk to him at".

Mr. Smith said "Ok. When was your last one"?

Mr. Van Wesep answered "It was two weeks ago".

Mr. Smith said "Ok. And does Dr. Beck have all of your records"?

Mr. Van Wesep answered "I can only assume so".

Mr. Smith said "Alright. Now you were diagnosed July of 2020 with this condition. When was your first treatment for it"?

Mr. Van Wesep answered "I don't recall. I know I started receiving medications early on; Alprazolam to help me calm down. I'd have to check the medical records when I started seeing Dr. Arellano".

Ms. Fleming stated “I want to go back and reference the question on Dr. Beck real quick please. So there is a face sheet that we were provided on your last medical records. And on that face sheet it’s got a history listed on the right-hand side of that. It says under PMHx - No past medical history has been documented for this patient. PSHx – No past surgical history has been documented for this patient. FHx – No family history has been documented for this patient. SHx – No social history has been documented for this patient. Hospitalizations – No hospitalizations/procedures have been documented for this patient. And Implantable Devices – No implantable devices has been documented for this patient. So it looks to me like Dr. Beck has not received any medical history whatsoever. From my perspective that’s how I would view this document”.

Mr. Van Wesep answered “That was the original face sheet and that would have been my first meeting with him and then I would have had all my medical records released to him through his secretary”.

Ms. Fleming asked “So it’d be fair to say that there is medical records that we do not have”?

Mr. Van Wesep answered “I don’t know why that would be”.

Ms. Fleming stated “Ok, let me go back. So, you’re taking medications from the time that you see Dr. Arellano through Copper Queen all the way through the time you were treated by Mr. Beck to present, correct”?

Mr. Van Wesep answered “Correct”.

Ms. Fleming asked “Ok, what doctor is prescribing those medications”?

Mr. Van Wesep answered “Dr. Arellano”.

Ms. Fleming asked “So, Dr. Arellano has been continuing to treat you from Arizona to Georgia and prescribe these medications”?

Mr. Van Wesep answered “Up until I started seeing Dr. Beck, yes”.

Ms. Fleming asked “Which Dr. Beck was seen for the first time this year in 2022, correct”?

Mr. Van Wesep answered “That’s correct”.

Ms. Fleming asked “Ok, we’re missing those medical documents”.

Attorney Pilch asked “Which medical documents are you referring to”?

Ms. Fleming stated “Anything that is from the last medical documents we have from Dr. Arellano and Copper Queen up until the time that he’s being treated from Dr. Beck. Because we were provided the last Copper Queen was directly after the meeting that we last had and there was a diagnosis added to that one and there was some other stuff but continuation of treatment was to take place in Georgia. The next document we have indicates that the next appointment was made for November 2021, and it was cancelled. Then there was a January initial intro like intake

meeting but no medical documentation was provided. But my question is, where is the treating doctor between that timeframe, which is a fairly significant time frame, and he indicates that it's Dr. Arellano but we don't have any of those medical records. So, we don't show any ongoing treatment".

Attorney Pilch stated "I think, and I'm going to let Pete talk, but I thought that I read in the minutes of the last meeting that Pete was asked about that and he said there was a time period after he relocated where he was not having treatment because he could not get a doctor because he didn't have insurance but that doesn't mean that he wasn't suffering from PTSD. And Pete, I'll let you address that if you remember".

Mr. Van Wesep stated "Yes, that's exactly right. I didn't have any health insurance anymore and my wife was looking forward to starting a new job, so her insurance wasn't going to take place for about four months. So, there was a period of time again where I just simply couldn't afford to get any treatment or to start with a primary care or a mental health provider in Georgia. The prescriptions I had refills for through Dr. Arellano up until a point where those refills ran out at which time he sent a note and said you have to get your own doctor; I'm not going to give you any more refills on your prescriptions. So, there were no, you know like virtual treatments, face to face treatments. I was just taking my medications as they were prescribed and waiting on getting insurance so I could afford additional treatments or a doctor here".

Ms. Fleming asked "Ok, so just to help me understand here, was there a time period when you were having no ongoing treatment; as noted in your reference from Dr. Arellano that you would continue ongoing treatment and medication but because of insurance and not having a doctor, there is a fairly significant time period there when there's no treatment or no medical records? Is that what I'm understanding"?

Mr. Van Wesep answered "There would be a lapse of, I don't know the exact timeframe but, from the time that I left Sierra Vista until I started with Dr. Beck here in Georgia; so however many months that was".

Mr. Smith stated "I have nothing further".

Ms. Ferrel asked "With these incidents that you were talking about in the past that you were involved with that gave you the now symptoms of the complex PTSD, did you ever seek out any kind of peer support or attempt any kind of diffusion means that were offered after the fact"?

Mr. Van Wesep answered "There wasn't anything offered. I was actually, here's the thing about it, I was a member of peer support. I used to be a pro at handling this type of stuff and I was able to hide it for so long and just keep going and keep pushing through; trying to do the self-help things; trying to get exercise; trying to reduce stress, trying to take time off. Did I ever go and tell anyone about it? No, not until I met with Commander Hiser and you know and look what happened; you just get ostracized and you get pushed away. There's very little help. Even out in the public sector there's very little help for people who are mentally ill. It's hard to find a doctor. It's impossible to find the help that you need to get the therapies and it's an ongoing thing that it's not just one medication works. You have to try different things. You know so I was embarrassed, I was...you're ashamed. You don't want to look weak. You don't want to look like you're falling apart. And who's going to help you? I was just totally lost. There was nothing I could do".

Ms. Fleming asked “So the option to go to attend someplace like Boulder Crest Retreat and stuff, that was made during that same time period, correct”?

Mr. Van Wesep answered “Yes, it was”.

Ms. Ferrel asked “So you said that you were a member of peer support; was that with the Fire Department or the Police Department”?

Mr. Van Wesep answered “Police Department”.

Ms. Ferrel asked “So, when you’re saying that you were embarrassed and felt ostracized, I mean you were one of the core members that should be providing that kind of environment where people should feel comfortable to talk about those things. Correct or not that’s part of the training; is to make that environment you know, more of a receptive place within the Police Department vs. say fifteen, twenty years ago where you would feel that, you know feelings of ostracization or feeling less than. So, you did attend the peer support training”?

Mr. Van Wesep answered “Yes, I was a member of the peer support and I did go to peer support training. I did also seek out peer support from someone who I knew and trusted. I went to David Carns. I spoke to him on a couple of occasions. He recommended pastoral care which I went to one of the pastor friends who does the Mighty Oaks Foundation retreats. I met with him and I also, you know when it got really bad, and that’s when I went to the peer support director, Chris Hiser, and he basically said well this is kind of out of my wheelhouse; I need you to go to Human Resources. So, I tried”.

Mr. Boltinghouse asked “You made mention that you were pushed away. What do you mean by that”?

Mr. Van Wesep answered “Pushed away; well, I don’t really know if I was pushed away but I definitely felt alone. That’s all I can say about that. There wasn’t a lot of help coming my way”.

Ms. Ferrel asked “Aside from Commander Hiser, did you go to anyone else in the department looking for help”?

Mr. Van Wesep answered “Just David Carns. He’s also a member of peer support. So, I went to two persons in peer support”.

Ms. Ferrel said “Ok, and....”

Mr. Smith asked “Do we have any documentation from Mr. Carns”?

Ms. Ferrel stated “Not that I see”.

Ms. Fleming stated “We’ve got documentation from Chris Hiser but I’m not seeing anything from David Carns”.

Ms. Ferrel asked “Will you be able to give us kind of a timeframe for that Pete? Is that about the same time that you went to Hiser”?

Mr. Van Wesep stated “No, it was before. It would have been around Christmas time because I remember going to see Matt at the church and talked to him as well”.

Ms. Fleming asked “Christmas time; can you tell me of what year you’re referencing”?

Mr. Van Wesep answered “That would have been 2020”.

Attorney Pilch stated “And just for the record, with what Pete submitted to the Board with his original application he also submitted a detailed timeline which sets forth all of the...basically everything he’s telling you right now. I think it’s about three pages...two pages long. And that was provided to the Board with his initial application”.

Ms. Ferrel said “And while we’re looking for that Pete, another question. What else are you doing besides taking the prescribed medication to try to help yourself work through this”?

Mr. Van Wesep asked “Right now what am I doing?”

Ms. Ferrel said “Yes”.

Mr. Van Wesep said “I’m continuing to see Dr. Beck and we’re looking for a higher level of care that I can get into that I can afford. So other than that, it’s holistic treatments, it’s meditations, it’s taking my medications, it’s trying to stay physically active. Still most days of the week I’m barely getting out of bed; I’m barely getting by. So, it’s been a very difficult year for me”.

Ms. Ferrel asked “And are you currently employed”?

Mr. Van Wesep answered “No I’m not”.

Chairman Johnson asked “Anything further”?

Ms. Ferrel said “Just one second. Ok, and this is something that’s not addressed in the timeline but when do you first recall having symptoms of your complex PTSD”?

Mr. Van Wesep answered “I don’t recall. It’s been so long now. I couldn’t give you an accurate timeframe”.

Ms. Ferrel asked “Can you recall maybe a part of your life? Was it something that was re-experiencing of symptoms when you were employed with the Fire Department? Or was it while you were at the Police Department? Was it while you were as an SRO? Kind of a general timeframe”.

Mr. Van Wesep answered “It was when I was with the Police Department. I remember I first brought it up to Arlotti; the Physician’s Assistant. Arlotti at Copper Queen Health. I told him that I was having a lot of problems with holding stuff together and being very emotional, not being able to concentrate. I think that was the first diagnosis that I got and I don’t remember what month that was; whether it was like June or July but I remember Covid was pretty big then”.

Ms. Fleming asked “So, let me just confirm that’s Dr. Arlotti”?

Mr. Van Wesep answered "He's a PA. He's on all my medical records that you have".

Chairman Johnson stated "I'm looking at the notes from your visit with Dr. Beck of March and in his notes he said 'he feels like there's pressure in his head. That he noticed the change in the first part of the year 2020. First mentioned it to his doctor in the first part of July 2020', does that put a timeframe on that? When you first started noticing something was wrong"?

Mr. Van Wesep answered "I would say that's accurate".

Chairman Johnson stated "Also, Mr. Smith asked you had you seen people commit suicide in front of you and you said no".

Mr. Van Wesep said "That's correct".

Chairman Johnson stated "Ok. In the doctor's note here it says 'thought about his wife and family and thinks it would be easier to commit suicide'. And it says 'he has seen people commit suicide right in front of him' so is your statement to Mr. Smith correct or is the doctor's note correct"?

Mr. Van Wesep answered "No I think that's just a misplay with words. I've not seen a lot of people commit suicide so I don't know why he put that in his notes".

Ms. Fleming stated "I want to go back to one too that's in the doctor's notes, or the counseling notes, again referencing a motor vehicle accident that you worked where a child was killed; a child. I know we addressed the woman but I'm trying to identify that situation specifically that's referenced in there. Can you give..."

Attorney Pilch asked "Now which medical note is that? I'm sorry".

Ms. Fleming stated "I believe it's the medical notes that are from the social worker. It's referenced in those. I'm just trying to determine a timeline to that incident that is being referenced".

Mr. Van Wesep asked "Like when did that accident happen"?

Ms. Fleming said "Yeah. Approximate timeline on that specific situation".

Mr. Van Wesep said "I know that it was summertime because I remember the temperature and things. I don't remember the time of year or the year that it was".

Ms. Fleming asked "Do you remember any details about it at all"?

Mr. Van Wesep answered "In regard to what"?

Ms. Fleming asked "Location, what other details might somebody remember regarding something like that"?

Mr. Van Wesep said "That's the one that was on Golflinks and Buffalo Soldier Trail. She had pulled out in front of another car. The little car had slammed to the other side of the highway".

Ms. Fleming asked “So she was the driver”?

Mr. Van Wesep answered “Yes”.

Ms. Fleming said “Ok. In the paperwork from Dr. Beck regarding the Honor Strong program, I’m going to go back and talk about that for just a second. Not regarding, I understood what you said about why you didn’t go to it, but I want to look for some clarification here. Based on the documentation on that, it appears the Honor Strong program is a program specifically to treat PTSD in law enforcement and help them to return to duty. So, again that’s what I’m getting from the documentation that’s been provided here. Looking at that, to me that indicates that Dr. Beck feels that you could be rehabilitated. Has that been discussed with you”?

Mr. Van Wesep stated “The only thing that’s been discussed with me and Dr. Beck, he’s voiced how concerned he is for me. Is that he wants me to be able to return to a better quality of life. There’s no way that I’m going to work in Public Safety again. He wants me to be able to recover to the point where I’m not in bed all day and I don’t have this pressure in my head and I’m not nervous about going to the store; you know I’m not throwing up in the morning and having all these symptoms; not sleeping. He wants to help me try to recover from those things so I can just start living again”.

Ms. Ferrel asked “And Pete, with that Honors Strong program, you mentioned that you went on the website and you saw that it was kind of more, you felt that it was geared more toward like recovery programs for substance abuse. Did you call them and speak to them directly about it”?

Mr. Van Wesep answered “I called and I spoke to the intake; her name was Alicia, and she needed to talk to the program director. About another week went by and I hadn’t heard anything from them so I reached out to them again; left a message with her. Another week went by and then I was able to speak to her. She was surprised that I hadn’t gotten a call back. She asked if any substance abuse problems and I said no. She said well, we’re not taking any applicants, or we’re not taking anybody into the Honor Strong program right now. So, whether they were full or they didn’t have the funding for it, or they didn’t have the counselors for it, or it wasn’t working, I don’t know, but they had nothing that they could do for me because I didn’t have a drinking or a drug problem”.

Ms. Ferrel said “Ok”.

Ms. Fleming said “In your notes on the medical records from Dr. Beck on the 3/31/2022 visit it indicates that you’re having lab draws done in reference to the prescription medications like every couple of months. Are those being done in Georgia and are they being ordered by Dr. Arellano out of Sierra Vista”?

Mr. Van Wesep answered “No, Dr. Beck just ordered from Quest Laboratories that I have my lithium level checked because you need to have that done, I don’t know exactly how often, whether it’s every four months or six months. But I just had my lithium levels checked. That was here in Georgia ordered by Dr. Beck”.

Chairman Johnson stated “Looking at the psych progress note of March 31st 2022 you had with Dr. Beck. In his follow-up in his psych symptom note here, and this is what we’re going by

because you know, this is the documentation so I'm going to question you on certain things from here and it says that 'he was not sleeping well, he's very tired, he's having flashbacks, really exhausted, very depressed and anxious. He's also distressed by an email he received from his attorney raising the question of bipolar illness'. Why were you distressed because of an inquiry by your attorney? Or am I stepping on attorney client privilege here counselor"?

Mr. Van Wesep answered "No, I can answer that. I don't know. I didn't see that that was in the notes, but I think that I was... the distress was from the questioning of me being bipolar which I'm not. And I've been asked that so many times and I don't recall an email or a question from my attorney but that would be the frustration and again today we started in on it, the bipolar. And I'm just simply not bipolar. So that's why I'm frustrated about it".

Ms. Fleming stated "So I think that the reason there's some confusion for us is that Dr. Arellano indicates a diagnosis of bipolar and that the lithium I believe is the medication being used to treat the bipolar. Is that not correct"?

Mr. Van Wesep answered "I've never seen a diagnosis".

Attorney Pilch stated "I don't think Dr... Dr. Arellano again mentioned it in his one medical record but the medical record that followed that exactly a month later has no mention of bipolar. I think it was a consideration but there was not a diagnosis and there hasn't since been a diagnosis of bipolar by any treating physician including Dr. Beck".

Ms. Fleming asked "So, you're saying that it was last mentioned by the last documentation from Dr. Arellano but then not carried forward with Dr. Beck"?

Attorney Pilch answered "It was mentioned in the I believe May 2021 documentation from Dr. Arellano. His July 1st note, and I think that was the final time that Pete saw Dr. Arellano, there is no mention of bipolar in that documentation".

Ms. Fleming stated "More clarification. So, I think we, if I'm... my recollection of what we've done here is that the first time for the PTSD was about the summer of 2020; about July of 2020. So, at that point, I'm not seeing anything, any treatment. So, I just want to confirm whether you saw any doctors, saw any therapists or anything between around July 2020 until March of 2021? Do you have any medical... was there any medical, were you seen by anybody, treated by anybody in that timeframe"?

Mr. Van Wesep answered "No I was not. Again, it was a new diagnosis for me. I started on the Alprazolam and then I started with just that holistic approach which is what Arlotti would have wanted me to do and what I wanted to do. I sought pastoral help, I sought peer support help, and then once it just continued to compound and get worse, and that's when I went and saw Dr. Arlotti; I'm sorry, Dr. Arellano. So, I tried a lot of things on my own just to get better; reducing stress, taking vacations, exercising, spending more time with family, just trying to reduce the feelings and the pain that I was starting to have. It was built up over, obviously built up over months, so...".

Chairman Johnson asked "When you moved to Georgia, the notes indicate that you bought a farm. Is that true"?

Mr. Van Wesep answered “Yeah we were able to buy a small fixer upper farm on a few acres here hoping to get me outside to work on some fruit trees, you know have a garden and stuff like that. It’s not very big. And it’s away from people so it’s nice and quiet”.

Chairman Johnson asked “You find that getting out a little bit helps”?

Mr. Van Wesep answered “Well, no. Right now nothing helps. That’s where I’m stuck. I mean I’m learning to go about my day and get the things done that I need to get done. But typically, by early midafternoon I’m so exhausted mentally that I just have to go to sleep. The pressure and the noise in my head is so much that the only way to get rid of it is just to lay down and try to sleep it away. So, when (inaudible) is at work and the kids are at school or whatever, then I’m just sleeping. So, it’s not very easy right now”.

Chairman Johnson stated “I have nothing further. Ms. Ferrel?” Ms. Ferrel stated no.

Ms. Fleming asked “In your thinking prior to where this starts for us which is around July 2020, prior to that, had you ever been treated or diagnosed for anything that would be related”?

Mr. Van Wesep answered “No. There’s nothing in my history at all. In fact, I was very active. Very active in not only the Fire Department with developing programs and winning awards, and Paramedic of the year, I made Firefighter of the year and developing the cadet program which is still ongoing now. You know the Police Department I was very active. I was a tactical medic. I was always at work. Applied for different positions; detective, and SRO, the recruits at the academy. I mean I wanted to do things. I was a very active person. I’ve done two iron man triathlons. I’ve always been very physically active and capable so this is just...my life has changed so much once this PTSD hit me that it’s like everything that was in the backseat now just, you know you slam on the brakes and everything that’s in the backseat; it’s now up front with you and you have to try to deal with it all”.

Ms. Fleming asked “What all has changed. So, I know it looks like everything was good til say 2020ish/2021ish and then how was life changing”?

Mr. Van Wesep answered “It’s hard to say. You know when I started working at the school, I loved working at the school with the kids and things but you’re very isolated. You’re the only Police Officer there and I think it gave me a lot of time to think or to be on your own. One thing that Dr. Arellano said was you know what, everything just caught up with you. There’s no specific thing that happened. Those guys go to war and they’re ok when they come back but then they get to be in their 50’s and 60’s and then they start to have problems. And being in Public Safety for so long it just caught up with me. And I was never afraid of anything. I was always the first one in the door. I was always, you know, ready to get the job done and lead by example and it just caught up with me. And now I’m just dealing with the consequences of it”.

Ms. Fleming said “Thank you”.

Ms. Ferrel asked “Did you have any other medical conditions at the time of the onset of your symptoms or now besides the PTSD”?

Mr. Van Wesep answered “No, none whatsoever”.

Ms. Fleming asked “So, again let me clarify, when you saw the doctor back in, again I believe it was July of 2020, did you go to the doctor for PTSD”?

Mr. Van Wesep answered “I went to the doctor, it was a follow up I believe, something to do with Covid and while we did the Covid test I said hey look, I got to tell you something about what’s going on and that’s when I let him know that. It was really the first time I felt comfortable talking to somebody about the feelings I was having. And fortunately, he was very receptive and gave me the advice to take it easy, maybe take some time off, let me get you some Xanax to help you calm down; keep on exercising, spend time with your family. So yeah, that was the first time I really felt comfortable saying anything to anybody about it”.

Ms. Ferrel asked “And which doctor were you seeing before Dr. Arellano”?

Mr. Van Wesep answered “I didn’t have a primary care physician so if I ever needed anything done like my Covid test, I never really went to the doctor because I’ve always been healthy. I didn’t take any medications ever in my life other than like Ibuprofen or something. So, when I started going to that Palominas clinic there it was the PA which was Arlotti”.

Ms. Ferrel asked “So, prior to Arlotti was there any doctors here in Sierra Vista that you’d ever seen before? I mean for yearly physicals or anything like that”?

Mr. Van Wesep answered “Yeah it would have been Carnet or it would have been like Dr. Gluck at, I can’t remember, High Desert I think and that was just for the yearly physicals that were, that we did with the Fire Department and the Police Department. We would go in and have our, you know the respiratory thing checked. Other than that, I never went to the doctor”.

Ms. Ferrel said “Ok, I have nothing further. Thank you”.

Chairman Johnson said “Anything further? Barbara”? Ms. Fleming said “I have nothing”.

Chairman Johnson said “How do you believe we should proceed”?

Ms. Fleming stated “Discussion”.

Chairman Johnson asked “Do you want to go into Executive Session”?

Ms. Fleming said “Executive Session discussion on the continuation of the application. Just discuss where we are to see if we need to go into Executive Session”.

Mr. Smith stated “Or make a motion to continue or not. There should be a motion, right? Should be the next point of order”?

Ms. Fleming said “Motion to continue the discussion”?

Chairman Johnson asked “In Executive Session? Is that what you’re asking”?

Mr. Smith said “No. All I’m saying is the next point of order should be a motion to decide upon where we’re going, I think. I don’t think Executive Session”.

Ms. Fleming said “I don’t need Executive Session. He said he doesn’t need Executive Session”.

Chairman Johnson said “Ok”.

Ms. Fleming said “Anybody else? (shook heads no) So, we would just make a motion for continuation to continue discussion on it. Is that right”?

Mr. Smith said “Well I would make a motion to continue the application”.

Chairman Johnson asked “Is that your motion Gary”?

Mr. Smith said “Yes”.

Chairman Johnson asked “Do I hear a second? I think we’ve got further discussion myself”.

Mr. Boltinghouse asked “Are we further discussing it here and now or we’re requesting that futuristically? I guess that’s where I’m confused”.

Ms. Fleming said “I think we can discuss it now”.

Mr. Boltinghouse asked “Do we need to make a motion to discuss it now”?

Chairman Johnson stated “Yeah we can”.

Jordan Boltinghouse motioned for discussion.

Jessica Ferrel seconded the motion.

VOTE: Unanimous.

The motion carried.

Chairman Johnson stated “Alright. I believe the application is still incomplete. I appreciate that Peter is getting treatment, but I think that it has been insufficient considering the fact that this has been an ongoing thing, according to his claim; that this has been PTSD built up over time. And I think that, at least from my perspective, I believe he needs to continue treatment, continue to try to get better, and I don’t believe at this point in time, at least from my perspective, that an IME is really called for at this point. But that’s my opinion. Jordan what do you think”?

Mr. Boltinghouse said “Yeah, I don’t disagree in terms of... sounds like services were offered and refused. There’s options for services and whatever the reason being, financially or feeling pushed away, they’re not been taken advantage of in some way shape or form. In addition to not finding out exactly where we stand in some of the options that were provided and not actually hearing from the doctor that those were completed to their fullest extent before making a decision rather than just saying we’re done, we’re done. So, I don’t disagree with that thought process. That’s where I’m at”.

Ms. Ferrel stated “My only concern is with Dr. Beck’s letter that we have in the file dated April or whatever of this year. It was determined that it was a permanent condition, so I don’t know if based on that wordage is that reaching the maximum medical improvement, based on that letter? I don’t know if we can require more treatment based off a doctor pretty much, in their verbiage, saying that it’s maximum medical”.

Ms. Fleming said “And I think, I share that same concern. And part of my concern with it is that Dr. Beck does the referral to the Honor Strong program which is a recovery program”.

Ms. Ferrel stated “Yeah so it’s kind of contradictory”.

Ms. Fleming said “And to me it’s completely contradictory. To say that he has reached, I mean I don’t see where it, that we’ve reached a, you know, being stationary, that we’ve reached the final into it. I think the information appears contradictory to me within Dr. Beck’s stuff”.

Ms. Ferrel asked “Yeah cause why spend forty thousand dollars to go to a treatment program that the doctor is saying is a permanent condition that’s not going to improve”?

Ms. Fleming stated “Exactly. Why would you do a reference there, you know, referral there. And none of the referrals or even the EMDR, all the different treatment options that we see within the three different sets of medical meaning the licensed social worker, here, Dr. Beck and then the information from Chris Hiser. All the referrals, none of those have been completed or even done. And so, I’m like I don’t see where we get you know, to the end yet, you know that there’s a permanent condition or anything. And that’s what concerns me, that there’s contradiction I believe in Dr. Beck’s stuff specifically at this end of it. Looking at the things he is treating him for, some of these, there’s only been a few treatments and some of these things aren’t actually directly related to the treatment of PTSD. Some of these indicate other things; they’re not treatment for this so, it looks to me like there’s just a minimal amount of treatment. And we’re talking about over the course of, if I’ve got the timelines right here based on what he indicated, we’re talking hitting right at two years next month in July. Two years ago was the onset of the symptoms and stuff and there appears to be very little treatment or you know we’ve got a little bit of notes from Copper Queen, and then a little bit of notes from a licensed social worker, and then a little bit of notes from Dr. Beck. That’s all there is there”.

Ms. Ferrel stated “There’s a large gap in time between providers”.

Ms. Fleming said “A large gap in time between providers and then you know he did go over some of the incidents and stuff like that. But I would like to go back and look at those incidents to the notes, you know which is going to take more time that I think any of us want to sit here and go through this amount of documents”.

Chairman Johnson stated “Right, and I do recall from our telephonic with Peter the last time, that when he’d gone to Georgia and he was really, really hung up on not being able to get treatment because he didn’t have insurance, so I understand that gap. What concerns me is that gap could have even exacerbated his symptoms, you know by not having treatment and just taking drugs until they ran out. So, I still think we need more; I do”.

Ms. Fleming said “And I think one thing that concerns me there is that, you know, treatment and insurance and stuff would have been available had we had an incident reported to workers compensation”.

Chairman Johnson stated “Yeah. Gary did you have a thought, any thoughts”?

Mr. Smith stated “Well I agree. I don’t think we have all the records. I think that’s very very clear. With everything we’ve heard there’s got to be other, more records out there. I think they’re incomplete. You know, was the PTSD injury caused by the job or by perhaps exacerbating conditions. That’s unclear to me at this point. You know it could be.... there’s, I’m just not convinced that substantial work-related stress caused the injury. We keep having these, there’s other conditions mentioned by Dr. Beck. PTSD is one of them. He talks about a, there’s two others he talks about....”

Ms. Ferrel stated “Major depressive disorder”.

Mr. Smith stated “Yeah. And stress; some kind of a stress disorder. So, I’m just not so sure that it’s a singular thing here that’s occurring. There’s nothing we’ve heard today that tells me that Peter has reached maximum medical treatment. The doctor even wants, Dr. Beck wants to send him somewhere because it seems to me he believes rehabilitation is a possibility. It’s unfortunate that Peter did not take advantage of the early offer by Commander Hiser for that treatment program. There seems to be a lot of missed opportunities and the treatment seems to be erratic. It doesn’t seem to be consistent, (Chairman Johnson stated “focused, yes”), very focused. There has been opportunities that simply weren’t taken”.

Ms. Fleming stated “I think that to further evident, Gary your point there is that, I got on my notes, that he even asked Dr. Beck, he asked for a letter of support for the PTSD diagnosis but not til March of this year. And so apparently there’s not, he’s asking for support of that diagnosis on 3/31/22. So, we know that that is an ongoing, I mean we don’t know what the ongoing situation is because there’s a huge gap here”.

Mr. Smith asked “Yeah, what is the status of the overall injury? We don’t have a clue”.

Chairman Johnson stated “You know, I do know from, that many of his visits has been telephonic discussions with the psychiatrist”.

Ms. Fleming stated “It looks like all but one”.

Chairman Johnson stated “Yeah, all but one. And you know I’m not a big fan of tele doctors or anything like that, but I know we were forced into it because of the Covid. I don’t know what kind of treatment you can get over the phone”.

Mr. Smith said “Well the treatment plan was offered and that wasn’t accepted. So, in agreement with what you’re saying, so now what? The rehabilitation appeared to have been an option. Now is that off the table? I mean, where is the status of that? There’s been no real ongoing treatment to change that view that is being presented”.

Chairman Johnson asked “Anything further”?

Ms. Fleming stated “I think, I would like to see, again I think we requested this last time and I still don’t think we have them. I am basing my decision that we don’t have them on the comments that are in the other medical records stating that he’s getting labs done and he’s been getting prescriptions filled. So I think we’re missing medical records from Copper Queen.....”

Mr. Smith stated “Nancy Williams never finishes. There’s many dates that we have no documentation”.

Ms. Fleming further stated “Arellano and Arlotti... Williams just stops without any continuation. He, there’s minimal anything on these medical records for Dr. Beck. Sounds like we’re missing medical records from Dr. Carnet, sounds like we’re missing medical records from Dr. Gluck that all are in this time period that we’re looking at and I think that we don’t have those medical records and again, there’s just this gap of continuation. And I understand he has this gap from Arizona to Georgia. He’s explained that gap but there’s... I have a hard time with that gap period because he states, Dr. Beck states he’s getting labs drawn and he’s getting prescriptions filled so there’s some medical records somewhere. Right? I mean...”.

Mr. Smith said “One would think”.

Ms. Fleming stated “We can’t be filling prescriptions and getting labs drawn without medical records, I don’t think. Dr. Beck indicates that that’s happening. So, I still think we’re missing a significant amount of medical records”.

Chairman Johnson stated “Not only that, continued treatment. That I want to see”.

Ms. Fleming stated “Yes. In the continuation of treatment is what I would expect to see within these medical records. Right? I’m thinking that we would see some level of treatment there, beyond. So, I don’t think that we have that. So, I don’t think that there’s anything supporting he’s reached the full recovery or stationary. I don’t think we have full medical records. I don’t know that, again I understand he’s saying an accumulation of incidents but I would like to look at those incidents very specifically because in the documents that I’ve reviewed extensively, of course there’s been a lot of time passed for us like there has all of us so I know that we have to re-review those things, but there’s some very specific incidents that are outlined in those medical records with the counselors and the various doctors and stuff. And I pulled some of the call logs and I can’t match those incidents. Not even remotely close. And so, I would like to further look at that situation too to help establish a timeline. I would like to do those to establish timelines that we’re looking at because it looks like we’re looking at a timeline from July of 2020 and now we’re in July 2022. We’re looking at a twenty-four-month timeline and again I couldn’t find those situations and I think, you know, some of the things that were brought out today or comments that are made to the counselors and stuff, but those aren’t really existing you know. We’ve determined they’re not existing. So, I’ve got a number of level of concerns”.

Chairman Johnson stated “Ok, alright. I think... Counselor would you like to add anything to this”?

Attorney Pilch stated “I would. In the initial application, Pete provided you with a very detailed timeline of the different things that happened from July 2020 until he submitted his application.

Pete has provided this Board all of his medical records initially with his initial application which was the Copper Queen information. He's provided you with all his medical records from Dr. Arellano and from Counselor Nancy Williams before he left Arizona. Dr. Arellano was very clear that Pete has PTSD, that it was incurred on the job and that it is total and permanent. His words were that Pete would not return to a Police Officer, would not be able to return to his job as a Police Officer. There was a gap in treatment which Pete has explained to this Board both at the last hearing and at this hearing that he did not have insurance or the resources to receive the treatment for a period of time of about six months when he relocated to Georgia. That did not mean that he had recovered from PTSD. There's no medical evidence before this Board that he recovered from PTSD and now he is seeking treatment from Dr. Beck. He's provided the Board with all of his medical records from Dr. Beck and that Dr. Beck has again reiterated the same thing that Dr. Arellano has which is that Pete Van Wesep has a mental condition, specifically PTSD that totally and permanently prevents him from performing a reasonable range of duties required of a law enforcement officer and that the PTSD was caused by, or occurred in, the performance of his law enforcement duties. There's nothing in his medical history to indicate that he suffered from PTSD prior to his employment. That's the evidence before the Board. And based upon that evidence, I think the Board can make a decision on his initial application. I think it's been well over a year, and I think at this time the Board has all of the records and evidence to make a decision on his initial application whether that be to refer him to an IME or to deny the application".

Ms. Fleming stated "So, in reference to that, I think that we looked at the medical records and we asked him and he's stating that he was getting prescriptions filled and Dr. Beck states that he was having labs done by Dr. Arellano in this gap period of six months that we're addressing which is the gap period we're talking about. But we have no medical records indicating that. I mean, we have him stating he was getting prescriptions filled from Dr. Arellano and we have Dr. Beck referencing that he was getting labs done but we have absolutely no medical records there. So, I don't think that the Board has all the medical records".

Mr. Van Wesep stated "As far... if I can answer that. As far as the prescriptions go, I get my prescriptions on Amazon and those prescriptions had a number of refills on them. And they went out to, you know, a number of months as I would need them. So, I never even needed to contact Dr. Arellano for any prescription refills because they were already available. As far as the labs being drawn, there was a time very early on that I had a lab drawn, again for my lithium level because that needs to be checked every few months. So, that was the only lab that was done that Dr. Arellano had requested. And I'm sorry, I don't remember exactly when that was, but I believe it was back in like October. So..."

Attorney Pilch stated "And again that lab work would not reference in any way whether or not Pete has a disability that totally and permanently prevents him from performing the law enforcement duties. I think all the medical records are what the Board has in front of them from the treating doctors who have diagnosed him and treated him".

Ms. Fleming asked "Can you...Peter can you address what prescription medication that Dr. Arellano gave you that had the refills on it that you weren't seeing a doctor, or getting anything, that are listed in these documents? Can you tell us what he had refilled for you? What treatment you were continuing"?

Mr. Van Wesep stated “That would have been the Alprazolam, the Lithium and then the Fluoxetine”.

Ms. Fleming asked “Ok, so when you last saw Dr. Arellano in Arizona, he put refills on those medications that carried you through the treatment process until you saw Dr. Beck in Georgia”?

Mr. Van Wesep answered “Yes”.

Ms. Fleming asked “Ok, so there’s no period of time when you’ve been off the treatment”?

Mr. Van Wesep answered “That’s correct.”

Ms. Fleming stated “Thank you”.

Chairman Johnson stated “Ok. Now our options are to continue this matter, order an Independent Medical Examiner...”

Both Mr. Smith and Ms. Fleming stated “Or deny”.

Chairman Johnson stated “Or deny. I’ve already stated my feeling about a continuance”.

Ms. Fleming stated “I will agree with the continuance because again, I don’t feel like we have all the records. I feel like there’s absolutely stuff has to be missing here. I don’t even think it’s possible to have refills on some of that stuff”.

Chairman Johnson stated “You’re basing your continuance on medical records. I’m basing my opinion for a continuance because of lack of records as well as continued treatment”.

Ms. Fleming stated “Right. That’s where I want to see that he’s been getting treatment the whole time and I think we’re missing a gap here (Chairman Johnson agreed). I think we have to be”.

Chairman Johnson asked “Jessica”?

Ms. Ferrel stated “I agree with the continuance”.

Mr. Smith said “Continuance. Again, we’re still missing some of the Nancy Williams records from the last few months of the eye therapy. What was going on there”?

Chairman Johnson asked “Jordan”?

Mr. Boltinghouse stated “I concur”.

Chairman Johnson said “Ok. I will entertain a motion that we continue this application for disability retirement for Peter Van Wesep. Do I hear a motion”?

Gary Smith stated “I’ll make that motion.”

Board Attorney Coleman stated “Can I stop for just one second. Two things. One perhaps it might be helpful to just do a quick Executive Session. But if we don’t, I think there needs to be a specific motion that tells Mr. Van Wesep what is required to advance his application to the next stage. Because if the issue is confirm that there’s, all the records are there, he can sign a medical release and we can get them ourselves. And so we get them directly from the doctor we know it’s all there. Two, the Board obviously can’t second guess the doctor’s treatment plans so it’s not within the Board’s authority to say well we want to see your treatment, or we want to see what happens. What matters is, has a doctor given an opinion that he is no longer, he’s not going to make a recovery that would allow him to work again in law enforcement. If the Board feels that there’s a contradiction because there was a statement that there’s a permanent condition, but there’s also a statement that it's recommended that he go to a program that is designed to facilitate the return of officers to work, then I think that the requirement that should be in the motion is that his doctor clarify his position as to whether or not any type of continuing treatment would allow Mr. Van Wesep to return to employment as a law enforcement officer. So, I think that we need to just be specific about what the Board is requiring so that the next time we reconvene we’re all on the same page and we’re not continuing to have multiple deferments of this issue”.

Chairman Johnson said “Thank you for your input. So we’ll need a more specific motion. I wish Steve could have made the motion really”.

Ms. Fleming stated “Or we can go into Executive Session he said. And if we don’t go into Executive Session to do a more specific, right? Did I get that right? You said either go into Executive Session or do a more specific one, correct”?

Board Attorney Coleman answered “Yeah if you feel that we need to do the Executive Session I sort of put on the record already what my thoughts were while trying to not delve too much into privilege. So that’s what I wanted to put out there is that the motion should be not just continue it but to put down on the record specifically what the Board would like to see to resolve these questions that you’ve raised”.

Ms. Fleming stated “So, I know you were starting a motion. I think I would like to see.... I mean the clarity again. I think there’s contradiction in Dr. Beck’s stuff about there’s a potential for rehabilitation or is it permanent. And has he reached the level of, you know, where there’s no more because it looks contradictory to me. And then I would also like to either get a medical release or all medical records for all the time period that we’re looking at and not have the gaps. Or you know, he can give us a medical release and we can request them or, he can provide them, either or. But I would like to do a continuation and request those two things. Is there anything else”?

Attorney Pilch stated “And again for clarification, what medical records do you think are missing? Because Pete has provided you with everything and he’s testified that he did not have treatment from a doctor from the time he left Arizona until when you have the records from Dr. Beck. He got prescription because he had refills. I know that when I get my refills, until they run out, I don’t need to see the doctor. So he got refills as long as they would go on. But this Board has all the medical records from all of Pete’s treating physicians. And again, I think Dr. Beck is very very clear in his April 11, 2022 letter that says that Pete suffers from a mental condition that totally and permanently prevents him from performing a reasonable range of duties required of a law enforcement officer. And that’s the medical evidence before this Board. And now the Board

needs, under the statutes, needs to make a determination whether or not that's sufficient to send Pete to an IME or whether or not to deny the application".

Mr. Smith stated "Or continue it".

Ms. Fleming said "And I think he referenced that he's seen, during this time period, he's seen Dr. Carnett, he saw Dr. Gluck and that he had been getting treatment and lab requests from Dr. Arellano after that period. So, it looks like, just from his statements that we're missing medical records from Dr. Carnett, medical records from Dr. Gluck and medical records from Dr. Arellano. And we also do not have, still do not have, the last few months of records from, Gary is it Nancy Williams (Mr. Smith said yes), Nancy Williams".

Attorney Pilch stated "I don't believe Pete saw Nancy Williams at any time after her last medical record of June 2021. Again, because he relocated to Georgia shortly thereafter".

Mr. Smith stated "That's correct but she..." (Attorney Pilch began to speak)

Attorney Pilch stated "Again, the medical records that you're referring to labs, labs will not advise us for whether or not Pete has a disability that would qualify him for accidental disability. And the medical records before this Board say that Pete does have that disability. So again, the question for the Board, I think that can be addressed today since this has gone on for so long, is whether the medical records before this Board, and the Board feels are sufficient to send Pete to an IME. Again, I'm going to reiterate that I think everything before this Board says that he does have a mental condition that would qualify him. Or the Board can deny the application because the Board feels it's insufficient".

Mr. Smith stated "Well, talking about Nancy Williams, dates of visits from March of 2021 all the way through June of 2021, there's talk therapy, EMDR but there's absolutely no reports. Before I would consider sending him to an EMI (IME), I would like to have all those reports, all the medical information so the EMI (IME) has every last drop of information. That's all we're asking for is every last drop and we don't feel that we have it. I mean, you know the last report we see from Nancy Williams is, again it starts in February and then it just, it does not go to all, all the visits. There may or may not have been any changes. We don't know. But the EMI (IME) certainly should be able to look at all that".

Attorney Pilch stated "Again, the Board was provided, and Pete provided these in a letter dated July 16th, 2021, additional records and they included two notes of visits from Nancy, with Nancy Williams. One for May 20th I think, yeah May 20th, 2021 and then again for June 1st, 2021. And in his initial packet he provided the records for visits prior so these were her visits after the Board initially met and Pete provided those. There are no visits at least, Pete can confirm this, no visits with Nancy Williams after June 1st, 2021 because Pete left Arizona and moved to Atlanta, or I'm sorry, Georgia.

Mr. Smith stated "That's correct".

Mr. Van Wesep said "If I can address real quick the question on the medical records of Dr. Gluck and Dr. Carnett, Jessica had asked me if I had gone and seen a doctor for department matters or anything like that and my answer was yes. Each year when we have to be checked, our breathing

checked, if we can use a respirator. That was why I'd go and see Carnett. And before that it was probably Gluck but as far as seeing on a personal basis or other personal things, or other issues I was having, I never went to the doctor. There aren't going to be any medical records of me going to the doctor".

Ms. Ferrel stated "I just feel like if we don't have a specific triggering event, or the onset of PTSD occurred, then all medical records during his PSPRS membership, I think, are relevant to the matter at hand".

Ms. Fleming said "I completely agree with you that we would need all medical records because we have no incident, we have no, he's saying it's compounding over the prior time. And the also thing is that we got contradictions in several different areas. I mean, I've got notes here for three or four or five different things just today that are contradictions".

Mr. Smith said "Sounds like we need to continue our decision and develop a particular list or a motion that we're asking of the applicant".

Ms. Fleming asked "Is there anything that prevents us from asking for all medical records during the accumulation period that this would be? He's stating it's accumulation period over time. Is there anything, and Jessica correct me if I'm wrong on this, but that's one thing you're addressing too (Jessica said yes) because this is accumulation situation, you would want to see all medical records during the accumulation period, correct? (Jessica said yes). And I don't think there would be anything keeping us from needing that information to determine that and to have enough stuff in front of us to determine this".

Mr. Smith said "And it's something that we would want to pass on to the IME also".

Ms. Fleming said "Correct. That there's just gaps and missing stuff".

Chairman Johnson said "So in other words what you're saying is Pete was a Police Officer for the previous five years. Prior to this incident you would be interested in that, those medical records as well"?

Ms. Fleming stated "I would be interested in any and all medical records that happened during the period of accumulation that he's stating caused this deal. Which I'm very unclear, for sure about, because it sounds like it was July of 2020 based on the reports today but that it was actually, that was when it first surfaced. But it would have been prior to.

Chairman Johnson said "Prior to, yeah".

Ms. Fleming continued "So I would like to see all medical records during the accumulation period. But I don't know what that date is. I can't say because we don't have it".

Chairman Johnson said "It could have included his career with the Fire Department".

Ms. Ferrel said "Well yeah because he specifically does mention his duties as a Paramedic during the Fire Department years as some of these kind of flashback events, car accidents and what not. So, I mean we're going back the course of fifteen years of service where this could have occurred

at anytime during then. So, there could be mentions made to, you know, Dr. Gluck or Dr. Carnett about experience with panic attacks or stress or anxiety or any of those things. And I would like to see that documentation”.

Ms. Fleming said “Correct”.

Ms. Ferrel said “There could have been referrals for psychiatric treatment. We just don’t know”.

Mr. Smith said “I think Barbara should make a motion”.

Ms. Fleming asked “Anything else? So, we want to make a motion to get all the medical records for the accumulative period”?

Chairman Johnson said “Ok”.

Attorney Pilch asked “For the record, can she define what that accumulative period is”?

Ms. Ferrel said “I would say his PSPRS membership”.

Attorney Pilch said “I didn’t hear that”.

Ms. Ferrel said “I would say during the entire course of his PSPRS membership so whenever his date of hire was”.

Ms. Fleming asked “Do we have his date of hire in front of us”?

Chairman Johnson asked “Do we have that date”?

Ms. Fleming answered “Yeah I think we’re getting it here”.

Ms. Melanson stated “He was hired as a part time Reserve Firefighter on January 12, 2005 and then hired as a full time Firefighter May 14th, 2007”.

Chairman Johnson said “I’d be inclined on the 2007 date”.

Ms. Fleming said “Ok. Which again, give me the 2007 date”.

Ms. Melanson stated “May 14th, 2007”.

Ms. Fleming stated “I’ll make a motion that we continue the application for lack of documentation and that we request that we be provided all medical records from May 14th, 2007 to present based upon the fact that the incidents are listed as cumulative during that period which again would be May 14th, 2007 to present date. And then, we would also like to request that we get a opinion or clarification from Dr. Beck on his rehabilitation or recovery because we find contradiction in Dr. Beck’s statements in the documents that we do have”.

Chairman Johnson said “I think that’s as clear as can be. Would you agree Steve”?

Board Attorney Coleman answered “Yes, yeah I’m comfortable with that”.

Chairman Johnson asked “Do I hear a second”?

Jessica Ferrel seconded the motion.

VOTE: Unanimous.

The motion carried.

CALL TO THE PUBLIC

None

ADJOURNMENT

There being no further business to come before the Board, Chairman Gregory Johnson adjourned the meeting at 11:15 a.m.

Barbara L. Fleming, Secretary