

## **STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Notice of this Regular Meeting was filed with the Secretary of State's office on Tuesday, February 22, 2022 at 9:33 a.m., in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

### **MINUTES OF THE JUNE 28, 2022, REGULAR MEETING OF THE WORKERS' COMPENSATION COMMISSION FOR THE STATE OF OKLAHOMA**

The members of the Workers' Compensation Commission for the State of Oklahoma met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on June 28, 2022.

Members Present: Chairman Russell and Commissioner Tilly

Others in attendance on behalf of the Commission: Alexander Watkins.

After roll was taken, Commissioner Russell announced the presence of a quorum. The meeting was called to order at 1:00 p.m.

**A. The Commissioners will observe and may participate in the Self-insurance Guaranty Fund Board discussion of the following agenda items, but no action will be taken by the Commission:**

1. Board roll call and determination of quorum.
2. Workers' Compensation Commission roll call and determination of quorum.
3. Introduction of guests.
4. Discussion and approval of Board minutes.
5. Legislative update, discussion, and possible action.
6. Andrea Delling update, discussion and possible action as to general finances, including:
  - a. ACH Deposits
  - b. Account Values
  - c. OMES Budget
  - d. How payments are going on 701 Accounts
  - e. Operating Budget FY2022
7. Discussion and possible action regarding the Self-insured Guaranty Fund Board's enlistment into the Self-insured Guaranty Funds of America.

8. Third Party Administrator **Combined Report** as to Self-insurance Guaranty Fund Claims and Trust Cases:

**8a. Self-Insurance Guaranty Fund Report** of claims arising pursuant to statutory authority of the Self-Insurance Guaranty Fund Board for the private employers approved to participate in the self-insurance program designated by account number of 675 and residual account 705. Effective November 1, 2019, 85A O.S. Section 98 requires the use of the **net fund balance** technique rather than the prior **cash fund balance** method to initiate an assessment of the Self-Insureds. There will be a general report of the Third Party Administrator including a financial summary, discussion and possible action by the Board.

**8b. Trust Cases Report** – These cases have been assigned to the Board by the Workers’ Compensation Commission for administration of employer funds held by the Commission in individual employer trust accounts designated by account number 701. There will be a general report of the Third Party Administrator including a financial summary, discussion and possible action by the Board.

**8c. Trust Cases Report** – Discussion and possible action under, 85A O.S. Section 99, providing for the **transfer of “excess proceeds”** of 701 account balances to the Self-Insured Guaranty Fund account 675/705. Mr. Fisher will report on the claims analysis of older 701 accounts. Mr. Fisher will report his findings and make recommendations to transfer certain funds to the **Self-Insurance Guaranty Fund**. Based on this determination, the Oklahoma Self-Insurance Guaranty Fund will be making application for statutory transfer of these excess proceeds from the Oklahoma Workers’ Compensation Commission to the Oklahoma Self-Insurance Guaranty Fund pursuant to 85A O.S. § 99(B).

None this meeting.

Interested parties may address the Board and/or present information in writing as to whether the excess proceeds should or should not be transferred to the Self-insurance Guaranty Fund.

9. Possible adjournment of the Workers Compensation Commission.

10. Discussion and possible action on the following individual **Trust Cases** which have been assigned to the Board by the Workers’ Compensation Commission for administration of employer funds held by the Commission in individual employer trust accounts designated by account number 701:

**General Motors, claims by employees:**

Billy Thomas  
Judy Smith  
Lupy Goodlin  
Jo Ann Waltrip  
Opal Cade

**Texoma Peanut, claims by employees:**

Lloyd Ormand

**Food Industry Group #75199, claims by employees:**

Verna Fisher vs Pruett Foods

**Penloyd LLC # 19456, claims by employees:**

Terry Stalnecker

**Southwestern Bell, claims by employees:**

Konstance Mitchell CC# 1985-2464A

**BFN Operations, claims by employees:**

Maria Garcia

**Tri-B Nursery, claims by employees:**

Ignacio Belmonte

- (a) Proposed executive Session pursuant to 25 O.S. 2011, § 307(B)(4) to discuss these with the Board's attorneys.
- (b) Discussion in executive session.
- (c) Return to open session.
- (d) Motion and second to take any action deemed necessary as a result of Executive Session.

11. Discussion and possible action regarding inquiry from Oak Point Partners, Inc., regarding the purchase of residual assets of the following employers held in trust account 705:

**BFN Operations, LLC, Asset Purchase Agreement dated 9-1-2020**

**Ventures Stores, Inc., Asset Purchase Agreement dated 9-28-2021**

**Consolidated Freightways Corporation, et al., Asset Purchase Agreement dated 9-1-2012**

- (a) Proposed executive Session pursuant to 25 O.S. 2011, § 307(B)(4) to discuss these with the Board's attorneys.
- (b) Discussion in executive session.
- (c) Return to open session.
- (d) Motion and second to take any action deemed necessary as a result of Executive Session.

12. Discussion and possible action on the following claims against the **Self-insurance Guaranty Fund** designated by account number 675 and residual account 705:

- (a) Proposed executive Session pursuant to 25 O.S. 2011, § 307(B)(4) to discuss these claims with the Board's attorneys.
- (b) Discussion in executive session.

- (c) Vote to return to open session.
- (d) Take any action deemed necessary as a result of Executive Session.

**Employee**

Joe Ortiz  
Lonnie Swarer  
Raymond Vier  
Harlin Sanders  
Cindy Nickell-Hutchins  
Howard Barnes  
Robin Johnson  
Pam Crain  
Konstance Mitchell

**Employer**

Ark Ramos  
Big Four Foundries  
Farm Fresh Inc  
Hale Halsell  
JP Emco  
Passmore  
Thornapple Valley  
Thornapple Valley  
Southwestern Bell

- 13. Discussion and possible action regarding minutes of executive sessions.
- 14. Comments from Board Members.
- 15. Adjournment

**B. ADJOURNMENT of the Commission .....Chairman Russell**

***Motion:*** Commissioner Tilly moved to adjourn.

***Second:*** Chairman Russell

Those voting aye: Chairman Russell and Commissioner Tilly.

***There being a majority of the members present voting in favor of the motion, the motion carried. The meeting adjourned.***