

**City of Cocoa Beach  
POLICE BOARD  
Disability In Line of Duty  
MINUTES  
September 16, 2024**

PD: T. Blair (absent), Kris Kuehn, Dan Adovasio (absent), William Stanley, Joseph Smith  
Pedro Herrera, Board Attorney by phone, Kirk Wertz, Applicant, present

- A. Roll Call
- B. Public Comments- Chairman advised that the Board is not full Board and the Applicant has waived full Board hearing.

Attorney Pedro Herrera went over the Records of the Application= In Line of Duty  
This is an informal hearing to review the medical records to determine whether this is In Line of Duty or not.

If a formal hearing is requested then the applicant would be the one to get court reporter/Attorney, witness, and depositions, very expensive.

The Board is to determine if:

1. Grant In Line Duty Disability
2. Deny In Line of Duty Disability
3. Table Matter- for more Information.

If the Board denies- applicant has right to appeal the hearing, then it goes to Formal Hearing. Upon conclusion if denied again, it can be appealed to Circuit Cour. Judge would make recommendations to follow but can't make order.

Before the Board you have all the medical records, hospitals, urgent medical care, copy of the IME Report, physical reports.

The IME Report has 5 questions that were answered for the Board Review.

1. Has applicant suffered an illness or injury?
2. If applicant suffered an illness or injury, was it suffered in the line of duty (caused by the performance of duty) or by other cause
3. Does the illness or injury cause applicant any disability
4. If applicant is suffering from disability, is the disability permanent or is reasonable likelihood can condition improve with treatment. Has applicant reached maximum medical improvement- see subsections a,b,c,d,e.
5. Is applicant totally and permanently disabled from performing the duties of a Police Officer

Upon hearing all the evidence, a Motion by William Stanley to grant a Disability Not In Line and 2<sup>nd</sup> by J. Smith all in favor 4.

A handwritten signature in black ink, appearing to read 'Dan Adovasio', with a large, stylized flourish at the end.

Board Secretary  
Dan Adovasio