

RESOLUTION NO. 26-039

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE PROPOSED SETTLEMENT AGREEMENT BETWEEN THE CITY OF KEY WEST AND KATHYANN WANCIK IN HER WORKERS' COMPENSATION CASE IN THE AMOUNT OF \$490,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL SETTLEMENT DOCUMENTS UPON THE ADVICE AND CONSENT OF THE CITY ATTORNEY'S OFFICE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission FOR THE City of Key West, having reviewed all of the documents, summaries, and recommendations associated with the above personal injury workers' compensation claim, hereby resolves that executing a settlement agreement is in the city's best financial interests; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the attached settlement agreement between the City of Key West and Kathyann Wanciak in the amount of \$490,000.00, is hereby approved.

Section 2: The City Manager is hereby authorized to execute all settlement documents upon the advice and consent of the city attorney's

office.

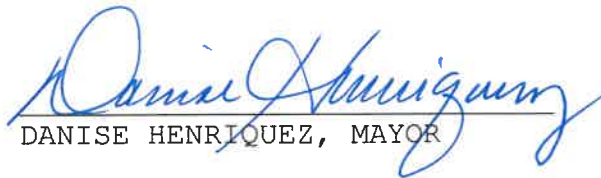
Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 11th day of February, 2026.

Authenticated by the Presiding Officer and Clerk of the Commission on the 11th day of February, 2026.

Filed with the Clerk on February 11, 2026.

Mayor Danise Henriquez	<u>Yes</u>
Vice Mayor Donald "Donie" Lee	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Aaron Castillo	<u>Yes</u>
Commissioner Monica Haskell	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Greg Veliz	<u>Yes</u>


DANISE HENRIQUEZ, MAYOR

ATTEST:


KERI O'BRIEN, CITY CLERK

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ATTORNEYS AT LAW

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OFFICE OF GEORGE A. HELM, III
WORKERS' COMPENSATION COUNSEL
MEMORANDUM

TO: Honorable Mayor and City Commissioners
FROM: Courtney C. Bahe, Esquire, Workers' Compensation Counsel
DATE: January 30, 2026
RE: Settlement of workers' compensation claims involving Kathyann Wanciak

INTRODUCTION:

This is a request for City Commission approval of a settlement proposal in the total amount of \$490,000.00, including costs and attorneys' fees to resolve the workers' compensation cases of Kathyann Wanciak.

BACKGROUND:

The claimant, Kathyann Wanciak, is a 66-year-old City of Key West Law Enforcement Officer who was initially hired by the City on February 27, 2006. She was a law enforcement officer involved in two dates of accident with the City.

On August 21, 2015 she was involved in accident when she was trying to escort an intoxicated individual that resulted in injuries including the right knee.

The claimant has treated with Dr. Fernandez, orthopedic surgeon. She was placed at MMI by Dr. Fernandez. She was assigned permanent work restrictions and currently receives in the line of duty disability pension.

The claimant was also involved in the date of accident of June 16, 2018 involving the left knee when she was bumped into while working at the city splash pad. The claimant has treated with Dr. Fernandez, orthopedic surgeon. She was placed at MMI and assigned permanent work

restrictions. She also currently receives permanent total disability benefits from workers' compensation.

The claimant was separated from her employment with the City on October 22, 2018.

We estimate total future indemnity exposure, assuming no major changes in the claimant's condition, at approximately \$134,617.50 for both claims. A Medicare Set Aside allocation was obtained because the claimant is a Medicare beneficiary. The Centers for Medicare Services has approved a future medical allocation of \$86,587.00. It is important to note, however, that the future in this case is unpredictable. We are responsible for lifetime medical treatment, and the claimant has a normal life expectancy of approximately 14 years. The future exposure to permanent total disability benefits is \$416,132.20.

On January 28, 2026, the parties attended a private mediation. The claimant expressed an interest in settlement for the first time and submitted a demand of \$500,000. By way of history the parties previously mediated the claim in December 2024 but needed to secure approval of future medical costs with Centers for Medicare Services. After negotiations, we were able to secure a bottom-line demand of \$490,000.00 to resolve both claims.

BUDGET IMPACT:

Approximately \$490,000.00 would need to be paid within the next 30 days. Once the settlement is approved by the Commission, we will have the checks issued. However, the City will be reimbursed 100% of the settlement by the Excess Workers' Compensation carrier.

RECOMMENDATIONS:

It is recommended that the City Commission approve the attached resolution approving the settlement of these workers' compensation claims, which includes a General Release and Separation Agreement, for the total sum of \$490,000.00.

Sincerely,

/s/ Courtney C. Bahe

Courtney C. Bahe, Esquire

CCB

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE JUDGES OF COMPENSATION CLAIMS
MIAMI DISTRICT OFFICE

Katyann Wanciak,
Employee/Claimant,

OJCC Case No.: 18-031330JIJ

vs.

Accident date: 06/16/2018

City of Key West/Relation Insurance
Services of Florida,
Employer/Carrier/Servicing Agent.

MEDIATION SETTLEMENT AGREEMENT

As a result of the mediation process on January 28, 2026, the parties reached the following lump-sum settlement of all rights and obligations under Chapter 440, Florida Statutes:

The E/C/SA agree to pay and the Claimant agrees to accept the sum of \$490,000.00, inclusive of attorney's fees of \$75,000.00, costs of \$4,304.38, and a professionally administered MSA in the approved amount of \$86,587.00, to settle this workers' compensation claim, and any/all accidents with this Employer, in their entirety, whether reported or not. The Claimant shall net \$410,695.62, after attorney's fees and costs, and less any child support obligations. After the MSA, the Claimant shall net \$324,108.62. The Claimant has the option to annuitize the MSA. E/C/SA agrees to resubmit the MSA to CMS for an annuitized MSA breakdown.

This settlement is contingent on City of Key West's City Council's approval of the settlement.

The Parties agree that the MSA shall be professionally administered by Ametros at the Employer/Carrier's expense.

The Claimant agrees to sign the mutually agreeable Workers' Compensation settlement documents and execute a mutually agreeable General Release and voluntary resignation/separation agreement, the consideration for which is included in the settlement. The Claimant is not waiving any vested benefits or rights.

The City of Key West agrees to cooperate with the completion and submission of any forms necessary for the Claimant to receive the "injured in-the-line of duty" property tax relief.

Parties agree that all medical and indemnity benefits cease if the City of Key West's City Council approves the settlement on February 11, 2026, or thereafter. E/C/SA agrees to pay un-submitted mileage that will be submitted within 10 days of receipt of the payout ledgers for both dates of accidents including the August 21, 2015, date of accident, and the June 16, 2018, date of accident.

Counsel for E/C/SA will provide draft settlement documents to Claimant's counsel within seven (7) days of the City of Key West's City Council's approval of the settlement amount. Claimant will sign and return the executed settlement documents within seven (7) days of receipt of the draft documents. Counsel for E/C/SA will file the executed documents with the Court within seven (7) days of receipt of the executed settlement documents. E/C/SA will issue the settlement proceeds within 14 days of the Order approving the settlement.

This agreement is full, final, and binding upon signing this Mediation Agreement.

This Mediation Agreement was read to the Claimant, and she understands and agrees with the terms.



Katyann Wanciak (Jan 30, 2026 17:48:34 EST)

Signature of Claimant



Courtney Bahe (Jan 31, 2026 17:20:15 EST)

Signature of Adjuster



Signature of Attorney for Claimant



Courtney Bahe (Jan 31, 2026 17:20:15 EST)

Signature of Attorney for E/C/SA











2026.01.30.1430 - Agreement - Wanciak, Katyann

Final Audit Report

2026-01-31

Created:	2026-01-30
By:	Lisa Thomas (lisa.thomas@doah.state.fl.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAY5pDGwXBdxaPDNsSO4z4i71fUFk27oO

"2026.01.30.1430 - Agreement - Wanciak, Katyann" History

-  Document created by Lisa Thomas (lisa.thomas@doah.state.fl.us)
2026-01-30 - 8:23:38 PM GMT
-  Document emailed to Katyann Wanciak (signal.20@hotmail.com) for signature
2026-01-30 - 8:23:43 PM GMT
-  Document emailed to Michael G. Srebnick (msrebnick@lawofficeofask.com) for signature
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-  Document emailed to Courtney Collins Bahe (cbahe@pelsusa.com) for signature
2026-01-30 - 8:23:44 PM GMT
-  Email viewed by Michael G. Srebnick (msrebnick@lawofficeofask.com)
2026-01-30 - 8:32:07 PM GMT
-  Document e-signed by Michael G. Srebnick (msrebnick@lawofficeofask.com)
Signature Date: 2026-01-30 - 8:32:26 PM GMT - Time Source: server
-  Email viewed by Katyann Wanciak (signal.20@hotmail.com)
2026-01-30 - 10:47:46 PM GMT
-  Document e-signed by Katyann Wanciak (signal.20@hotmail.com)
Signature Date: 2026-01-30 - 10:48:34 PM GMT - Time Source: server
-  Email viewed by Courtney Collins Bahe (cbahe@pelsusa.com)
2026-01-31 - 10:16:47 PM GMT
-  Signer Courtney Collins Bahe (cbahe@pelsusa.com) entered name at signing as Courtney Bahe
2026-01-31 - 10:20:13 PM GMT

 Document e-signed by Courtney Bahe (cbahe@pelsusa.com)

Signature Date: 2026-01-31 - 10:20:15 PM GMT - Time Source: server

 Agreement completed.

2026-01-31 - 10:20:15 PM GMT