



# State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF THE TREASURY  
DIVISION OF PENSIONS AND BENEFITS  
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JOHN D. MEGARIOTIS  
*Acting Director*

January 15, 2025

Sent via email to: [REDACTED]

Richard Pizzi  
[REDACTED]

RE: [REDACTED]

## **FINAL ADMINISTRATIVE DETERMINATION**

Dear Mr. Pizzi:

I am writing in reference to the decision of the Board of Trustees ("Board") of the Public Employees' Retirement System (PERS) denying your request for PERS group life insurance. By way of background, the Board conducted an honorable service review of your conviction pursuant to N.J.S.A. 43:1-3 at its meeting of May 21, 2008, at which time it deemed a forfeiture of your PERS service beginning January 1, 1998 through September 1, 2006, was warranted. You appealed that determination, and in an Initial Decision dated June 17, 2009, the ALJ affirmed the Board's determination. The Board adopted the ALJ's decision at its meeting of July 15, 2009. There is no record of any appeal to the Superior Court, Appellate Division.<sup>1</sup>

As your PERS membership account reflects less than 10 years of service credit, at its meeting of October 16, 2024, the Board found that you are not eligible for PERS group life insurance pursuant to N.J.A.C 17:2-3.9. You filed a timely appeal of that decision. On November 20, 2024, the Board considered your appeal. After careful review, the Board affirmed its prior decision, and finding no genuine issue of material fact in dispute, determined that an administrative hearing was not necessary to reach its decision. Thereafter, the Board directed

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<sup>1</sup> For your reference, the Initial Decision can be located on the OAL's web site. See [Rutgers Univ. School of Law - Camden. OAL Dkt. typ9208-08 1](#)

the undersigned to draft this Final Administrative Determination. Findings of Fact and Conclusions of Law as outlined below were presented to and approved by the Board at its meeting of January 15, 2025.

### **FINDINGS OF FACT**

The Board made the following factual findings.

You were enrolled in the PERS on January 1, 1991, as a result of your employment with Berkley Heights as a Municipal Prosecutor. On January 1, 1998, you were appointed as Municipal Court Judge and remained in that position until your resignation on May 27, 2004.

You were charged by the Union County Prosecutor's Office with two counts of misapplication of entrusted property, a crime of the second degree, in violation of N.J.S.A. 2C:21-15. On May 27, 2004, you resigned from your judgeship. On June 23, 2004 you consented to disbarment in the states of New Jersey and Virginia. On April 15, 2005, you pleaded guilty to two counts of misapplication of entrusted property, in violation of N.J.S.A 2C:21-15, and agreed to pay restitution in the amount of \$642,174.53 to your former clients. On August 16, 2005, you were sentenced to eight years in prison and you were released on May 9, 2006. Thereafter, on May 30, 2006, you submitted an application for a Service retirement effective September 1, 2006.

The Board considered the effect of your criminal conviction on your Service retirement benefits at its meeting of May 21, 2008. A review of your account established you had accumulated thirteen years and eight months of service credit in the PERS. However, the Board concluded that pursuant to N.J.S.A. 43:1-3 and N.J.A.C 17:1-6.1, a partial forfeiture of your salary and service credit from January 1, 1998 through the termination of your employment was warranted and applied the forfeiture retroactively to September 1, 2006, the date of your retirement. You were also ordered to repay to the PERS any amounts exceeding the benefits you should have received in light of the retroactive forfeiture.

You appealed the Board's decision imposing a partial forfeiture of your service credit and repayment of retired benefits, and the matter was transmitted to the OAL as a contested case. In the Initial Decision dated June 17, 2009, the Administrative Law Judge reaffirmed the Board decision for a partial forfeiture of service and salary and the repayment of benefits paid in error. On July 16, 2009, the Board adopted ALJ's Initial Decision consistent with its original determination. As stated above, there is no record that you appealed the Board's final decision to the Superior Court-Appellate Division.

At its meeting on October 16, 2024, the Board considered your appeal of the Division's determination that you were no longer eligible for group life insurance benefits. You filed a timely appeal of that determination, which the Board considered at its meeting of November 20, 2024. After careful consideration, the Board affirmed its prior decision and, finding no genuine issue of material fact in dispute, directed the undersigned to draft this Final Administrative Decision for its consideration.

### **CONCLUSIONS OF LAW**

In making its determination, the Board relied upon N.J.A.C. 17:2-3.9, which states:

If a member's date of PERS enrollment was on or after July 11, 1971, noncontributory life insurance shall be payable after the death of a retired member, only if the member established 10 or more years of pension membership credit at the time of retirement, or retired on a disability retirement. The life insurance shall equal 3/16 of the retiree's last 10 months of salary if formerly employed on a 10-month basis, or 12 months of salary if formerly employed on a 12-month basis. No premium payments are required to continue the 3/16 coverage after retirement. Contributory life insurance coverage ceases at retirement.

[(Emphasis added.)]

Thus, because your PERS account lacked the requisite 10 years of service credit, you are not eligible for PERS group life insurance benefits.

In your appeal, you assert that a forfeiture of your PERS service credit was inappropriate as your misconduct was not related to your position. However, you also made this argument was directly to the ALJ who found that:

Petitioner's argument that under N.J.S.A. 43:1-3.1 forfeiture is not appropriate unless the crime of which he was convicted was directly related to his public office is misguided for two reasons. First, as the court stated in Usry, the Supreme Court in Uricoli did not require a direct relationship between misconduct and public employment before the Board could determine the appropriateness of pension forfeiture. Second, pursuant to N.J.A.C. 17:1-6.1(c), the Board had the discretion to alter the effective date of the termination of the member's pension rights. In light of the nature and extent of petitioner's criminal activity, the Board had the discretion to order forfeiture, especially where the public relied on petitioner's integrity because he was a judge. As noted by the respondent, a judge is required to respect and comply with the law and should at all times act in a manner that promotes public confidence in the integrity and impartiality of the judiciary. See Canon 2 of Code of Judicial Conduct <<http://www.judiciary.state.nj.us/rules/appjudicial.htm>>.

However, our office has no record of an appeal and thus, the Board's July 15, 2009, decision, stands.

As noted above, the Board has considered your written submission and all documentation in the record. Because this matter does not entail any disputed questions of fact, the Board was able to reach its findings of fact and conclusions of law on the basis of the retirement system's enabling statutes and without the need for an administrative hearing. Accordingly, this correspondence shall constitute the Final Administrative Determination of the Board of Trustees of the Public Employees' Retirement System.

You have the right to appeal this final administrative action to the Superior Court of New Jersey, Appellate Division, within 45 days of the date of this letter in accordance with the Rules Governing the Courts of the State of New Jersey.

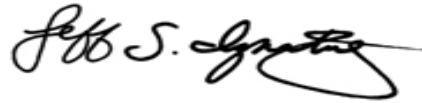
All appeals should be directed to:

Superior Court of New Jersey  
Appellate Division  
Attn: Court Clerk

Richard Pizzi  
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PO Box 006  
Trenton, NJ 08625

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Ignatowicz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeff S. Ignatowicz, Secretary  
Board of Trustees  
Public Employees' Retirement System

G-9/kb

C: E. Pierson (ET)