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DEPARTMENT OF THE TREASURY
POLICE AND FIREMENS' RETIREMENT SYSTEM
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April 9, 2019

Sent via email to: [REDACTED]

LAW OFFICE OF MALCOM BLUM
Jennifer M. Blum, Esq.

RE: Eric J. Reamy

[REDACTED]
OAL DKT No. TYP 05661-2018S

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dear Ms. Blum:

The Board of Trustees ("Board") of the Police and Firemen's Retirement System of New Jersey ("PFRSNJ") has reviewed the January 10, 2019 Initial Decision¹ of Administrative Law Judge ("ALJ") Ernest Bongiovanni in this matter; exceptions² filed by Deputy Attorney General ("DAG") Robert Garrison dated February 7, 2019; and your reply to exceptions³ dated February 21, 2019.

At its meeting of March 11, 2019, the PFRSNJ Board voted to reject the ALJ's Initial Decision which recommended reducing the forfeiture of Petitioner Eric Reamy ("Reamy") from a total forfeiture to a fifty-two month partial forfeiture.

Findings of Fact and Conclusions of Law as outlined below were presented and approved by the PERSNJ Board at its April 8, 2019 meeting.

¹ As the 45-day statutory period for issuing a final decision would have expired, the PFRS Board properly requested and received extensions of time for issuing its final decision.

² DAG Garrison timely requested and was subsequently granted extensions of time for filing exceptions.

³ You requested and were subsequently granted an extension of time to file a reply to exceptions.

The Board adopted the facts as found by the ALJ but rejected his legal conclusion and imposed a total forfeiture. The facts regarding Reamy's conduct are essentially undisputed. As found by the ALJ, Reamy was a Detective Sergeant for the Glen Rock Police Department. (ID at 7). From March 4, 2011 through August 5, 2011, Reamy wrongfully and without authorization sold several weapons he took from the property evidence room. (ID at 17). As a result of this action, Reamy pled guilty to third degree theft for the unlawful disposition of weapons. (ID at 18).

In addition to the theft and sale of weapons, Reamy also engaged in January 2015 in sexting, including exchanging lewd pictures, with two juvenile females, R.K. (age 17) and H.G. (age 14). (ID at 7). At the time of the offense, Reamy was the juvenile officer at the department. Ibid. H.G. sent partly naked photos of her breasts and crotch area to Reamy. (ID at 5).⁴ Reamy sent pictures of his exposed penis to H.G. Ibid. He sent sexually explicit text messages to both children, including that he would try to "f**k [H.G.]" if they "were closer in age." Ibid. Reamy was fifty-one at the time of the commission of the offense. (R-7, page 1)

Ultimately Reamy pled guilty to one count of second degree sexual conduct by a caretaker in violation of N.J.S.A. 2C:24-4A(2) and one count of third degree theft above \$500 but below \$75,000 in violation of N.J.S.A. 2C:20-9 for his unlawful disposition of the weapons in his care. (ID at 18). He was sentenced to three years in State prison, but was released after one year on parole. Ibid.

In the ID, the ALJ looked to Reamy's history and prior work with the police department and complaints that he had hyper-sexuality due to taking Adderall; the ALJ also considered whether the penal consequences already faced by Reamy were sufficient to deter his conduct. (ID at 3, 17). After reviewing the case law, the ALJ determined that imposition of a forfeiture from March 4, 2011 -- the date of the first offense forward -- was the appropriate remedy.

However, the Board reaffirmed its original decision which imposed a total forfeiture of Reamy's service credit. First, the Board has the discretion under N.J.S.A. 43:1-3 to determine what an appropriate

⁴ The ID refers to R.K. as being the child who sent the photographs. However, the transcript from the proceeding makes clear that it was H.G. who sent the naked photographs of herself, not R.K. (R-9 at 24).

forfeiture should be after considering the eleven factors from Uricoli v. Board of Trustees, Police and Firemen's Retirement System, 91 N.J. 62 (1982). The Board determined that Reamy's conduct was particularly deserving of punishment because Reamy took advantage of his position as the head of the juvenile department. The Uricoli factors, particularly seven, eight, and nine, justify the imposition of a total forfeiture.

Factor seven looks to the "nature of the misconduct or crime, including the gravity or substantiality of the offense, whether it was a single or multiple offense[s] and whether it was continuing or isolated." *Id.* at 78. Reamy had multiple instances of dishonorable conduct, reflecting two discrete crimes, the first stealing weapons, and the second grooming two underage children under his care and exchanging sexually explicit messages with them. His conduct with H.G., who was fourteen years old at the time of the offense, was particularly egregious.

Regarding factor eight, which looks to "the relationship between the misconduct and the employees' public duties" the conduct that Reamy pled guilty was directly related to his workplace duties. He used his position with the police department to steal the weapons, and he used his position as a juvenile officer to begin communicating with the two children after he met them through his job. This is not a situation like that found in T.J.M. v. Board of Trustees, Police and Firemen's Retirement System, 218 N.J. Super. 274 (App. Div. 1987), because the conduct was not "uniquely personal" and "completely unrelated [to the individual's] office." *Id.* at 280. Rather, Reamy's ability to engage in the criminal behavior was directly related to his job duties as a police officer.

Finally, factor nine looks to the "quality of moral turpitude or the degree of guilty and culpability, including the employee's motives and reasons, personal gain and the like." Uricoli, 91 N.J. at 78. Reamy sought personal sexual gratification from minors, susceptible individuals he was entrusted to protect. This was particularly egregious because he supervised the juvenile bureau for his department. Reamy additionally sought personal financial gain from selling dangerous weapons, without regard for the

consequences. Reamy's actions display a high level of moral turpitude as his actions touch public safety and the safety of children.

The ALJ incorrectly found that Bryant v. Board of Trustees, Public Employees' Retirement System, A-5234-15T2 (App. Div. Mar. 15, 2018), and Tavaglione v. Board of Trustees, Police and Firemen's Retirement System, A-5478-13T4 (App. Div. Jan. 8, 2016) (attached as Exhibit B), were not on point. They are, and they support a total forfeiture.

In Bryant the Board of Trustees for the Public Employees' Retirement System ("PERS") forfeited Bryant's entire PERS service credit and salary. Id. at *8. Bryant served a number of years in positions including Camden County Freeholder and State Assemblyman. Id. at *1-2. He was found guilty of a variety of federal crimes, including mail and wire fraud stemming from corruption charges relating to a fictitious and non-bona fide position with the University of Medicine and Dentistry of New Jersey. Id. at *3. The ALJ found that Bryant was not persuasive authority because, in his view, Bryant's crime misused public office and corrupted the very same system, while Reamy did not seek to corrupt the system, and rendered honorable service until the infractions occurred at the end of his career. (ID at 21). This misses the point. Reamy put the public in danger by selling weapons unlawfully, and corrupted the morals of two underage children by sending sexually explicit photographs of his genitalia. His conduct, just like Bryant's, warrants a total forfeiture.

Similarly, the Board rejected the ALJ's analysis of Tavaglione. Tavaglione involved a police officer who was found at four a.m. unconscious from drinking alcohol, inside of his car. Id. at **1-2. His foot was on the brake pedal and the engine of the car was still running. Id. at *2. The Appellate Division affirmed the Board's imposition of a total forfeiture, given the seriousness and potential danger unleashed by Tavaglione's conduct. Id. at *14. Tavaglione drove while under the influence voluntarily and created a public hazard. Ibid. Like Tavaglione, Reamy's conduct weighed under the Uricoli factors warrants a total forfeiture.

CONCLUSION

For the foregoing reasons, the Board adopted the ALJ's findings of fact but rejected his legal conclusion and ordered a total forfeiture.

You have the right, if you wish, 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.

Sincerely,



Jacquelyn Bussanich, Interim Board Secretary
Police and Firemen's Retirement System of NJ

c: Eric Reamy
D. Dinkler; C. Chianese (ET)
DAG Rob Garrison (ET)
OAL, Attn: Library (ET)