



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
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September 18, 2025

JOHN D. MEGARIOTIS
Acting Director

Sent via email and regular mail

SZAFERMAN, LAKIND, BLUMSTEIN & BLADER, P.C.
Samuel M. Gaylord, Esq.



RE: Todd Genty
PERS [REDACTED]
OAL DKT. NO. TYP 01381-24

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dear Mr. Gaylord:

At its meeting of August 20, 2025, the Board of Trustees (Board) of the Public Employees' Retirement System (PERS) considered the July 15, 2025, Initial Decision (ID) of the Honorable Susan M. Scarola, ALJ, with exhibits; the exceptions filed by DAG Alison Keating, dated July 28, 2025, and the statements to the Board of DAG Payal Ved. The Board noted the exceptions. Thereafter, the Board rejected the ALJ's decision reversing the Board's total forfeiture of the service and salary of your client, Todd Genty ("Genty") and recommending a partial forfeiture.

Thereafter, the Board directed the undersigned to draft Findings of Fact and Conclusions of Law consistent with its determination. These Findings of Fact and Conclusions of Law were presented to and approved by the Board at its meeting of September 17, 2025.¹

¹ The Board requested and was granted an extension of time to issue its final administrative determination.

PROCEDURAL HISTORY AND FACTUAL FINDINGS

The Board adopts the ALJ's factual findings as they are supported by sufficient credible evidence in the record. Rooth v. Bd. of Trustees, Public Employees' Retirement System, 472 N.J. Super. 357 (App. Div. 2022).

The Board first notes the procedural history of this matter. On August 8, 2018, Genty pled guilty to Witness Tampering in violation of N.J.S.A .2C:28-5, Tampering with Evidence, and Failure to Stop. (T53:22-55:4; J- 7; J-8).² On August 24, 2020, Genty completed pretrial intervention ("PTI"). (T30:6- 17; J-10). Thereafter, Genty's record was expunged. (T30:14-17).

Genty, the Supervisor of Parking Enforcement for the Borough of Seaside Heights, had approximately 25 employees under his charge during the summer months and 3 employees during the winter months. ID at 4. As a member of Seaside Heights's police department, Genty was entrusted to maintain public safety and enforce laws and regulations. The ALJ summarized Genty's actions during the January 19, 2018, incident, stating that Genty

was working the day shift and planned to leave work as scheduled at 3:00 p.m. He was driving around town around 2:30 p.m. and was coming down Dupont Avenue to the Boulevard. He was going slowly but did not come to a complete stop but instead rolled through the intersection. As he was almost through, a bicyclist came from the direction of the liquor store and hit the front of his car. He later found out that the entire incident was captured on video.

The petitioner got out of his car and saw there was no damage to it. The bicycle rider (victim) was standing there with his bike. The victim knew the petitioner and said he was fine and that there was no need to call an ambulance. The petitioner asked the victim three times if he needed an ambulance and the victim said no. The bicycle was damaged, and the victim said he did not want to bicycle home, and that it would be "okay" if the petitioner were to get him a new bicycle. The victim left the scene, leaving the damaged bicycle behind. The petitioner asked the victim if he wanted the old bicycle to be brought to his house and the victim said no. As the victim was

² "T" refers to the February 25, 2025, hearing transcript. "J" refers to the Joint Exhibits agreed upon by the parties and entered into evidence.

walking down the Boulevard, he yelled out his address to the petitioner and told him to leave the new bicycle there.

He brought the victim's damaged bicycle to the public works recycle center and left it there. He then went to the police headquarters, where he picked up another bicycle with the assistance of another worker. The petitioner needed a larger vehicle to transport this bicycle, and the worker assisted him with a pickup truck, although the worker was not told the details of the incident by the petitioner. They brought the bicycle to the victim's house and left it there. The petitioner thought he was helping him by giving him a new bicycle.

After using the truck to take the bicycle to the rider's house, the petitioner dropped off the worker, retrieved his personal vehicle and drove home. He did not think the incident was that serious, especially because the victim only wanted another bicycle. He agreed that he had not reported the incident and that proper procedure was to call it in. The petitioner acknowledged that he had made an error in judgment and that he should have insisted on an ambulance, but he had not. He felt bad that the victim's bicycle was damaged, although the victim had not wanted the petitioner's help.

[ID at 4-5.]

As a result of Genty's actions, an Internal Affairs investigation commenced and Genty was suspended without pay. ID at 5-6. Seaside Heights charged Genty via a Preliminary Notice of Disciplinary Action (PNDA) on March 15, 2018. (ID at 6.) Also on March 15, 2018, Genty was charged with Witness Tampering in the Third Degree and Tampering with Physical Evidence in the Fourth Degree. ID at 3. Genty was also issued citations for "failure to stop or yield, leaving the scene of an accident, and failure to report an accident." ID at 3. On August 8, 2018, Genty pleaded guilty to the charges of Witness Tampering, Tampering With Evidence, and Failure to Stop. Ibid. Genty entered the Pre-Trial Intervention program as he was a first-time offender and completed the program in August 2020. Ibid. Genty also entered into a Consent Order which disqualified him from holding any public office or employment in New Jersey. Ibid.

On January 23, 2023, Genty applied for a Service Retirement. (T34:3-7; J- 12). At its meeting of November 15, 2023, the Board performed an analysis under N.J.S.A. 43:1-3 and

Uricoli v. Board of Trustees, Police and Firemen's Retirement System, 91 N.J. 62 (1982), and after weighing the statutory balancing factors, determined that a total forfeiture of salary and service credit was warranted considering the continuing and egregious nature of his misconduct. (J-13.) As part of the Board's determination, the Board found Genty's misconduct was grave, directly related to his employment, involved a high degree of guilty and culpability, and was for his personal gain. Ibid.

The ALJ issued her recommended decision on July 15, 2025. The ALJ noted that receipt of a public pension is predicated upon the member rendering honorable service, and cited to the balancing statute at N.J.S.A. 43:1-3. ID at 8. The ALJ also noted that Genty would have been subject to the mandatory forfeiture provisions of N.J.S.A. 43:1-3.1, as N.J.S.A 2C:28-5, Tampering with a Witness, is an enumerated offense. Ibid. However, Genty escaped the consequences of the mandatory forfeiture provisions because he was permitted to enter PTI and have the charges dismissed. Ibid.

In applying the balancing test, the ALJ noted Genty's criminal misconduct was serious, occurred while he was on duty, and that he "failed to follow policy and did not report the accident or call for an ambulance" as he was required to do. ID at 16. In addition, the "conduct that followed" after the accident was "just as serious." The ALJ found the Genty's failure to follow the law and his employer's policies was "grave" in that Genty "asked for and received assistance of an unknowing fellow officer" in getting rid of the damaged bicycle at the recycle center, and without authorization used a police department vehicle and took an unclaimed bicycle and gave it to the victim. ID at 16-17. The ALJ found that the incident was an "isolated offense and not a continuing one," "involved a high degree of moral turpitude and was unacceptable for any public employee, particularly one charged with enforcing code violations." ID at 17. Finally, the ALJ noted Genty's honorable service and lack of disciplinary history prior to the criminal misconduct. Ibid.

Based on the above, the ALJ concluded that:

Without a doubt the offense that occurred here was serious; it was committed with a high degree of moral turpitude and undermined public confidence in public employees. Not only did the petitioner glide through the stop sign, he failed to report the accident and failed to follow Borough procedure in calling for an ambulance and obtaining assistance for the victim at the scene. While the petitioner may have thought that was what the victim wanted, it was not the victim's decision to make. The petitioner then compounded his error by using another officer to assist him in disposing of the victim's damaged bicycle and replacing it with one held in the custody of the Borough.

A forfeiture as of the date of the offense would undermine the seriousness of the misconduct, but a total forfeiture is also not justified under these circumstances. A partial forfeiture of the petitioner's service credits and pension benefits is therefore required. Taking all the factors into consideration, it appears that this matter is somewhat similar to that of Uricoli, who also exercised poor judgment on one occasion, but the offense here is more egregious as it involved another officer, misappropriation of Borough property and a possibly injured victim. There was no evidence that the petitioner's conduct was pervasive or chronic; he received no personal gain; no venality was demonstrated, and adequate and serious penal and civil penalties sanctions were applied. It is also noted in mitigation that the petitioner's health has been substantially impaired.

Accordingly, a forfeiture of seven years pension credit shall be imposed upon the petitioner. It is a substantial loss of service credit and represents a more than one-third of his service credits. While the petitioner acknowledges his error, this forfeiture is a suitable punishment for the serious misconduct that occurred here.

[ID at 17-18.]

CONCLUSIONS OF LAW

The Board made the following conclusions of law.

The Board first rejected the ALJ's recommendation of a reduced forfeiture of seven years of salary and service credit, and voted to restore its original decision in which it imposed a total pension forfeiture. The Board also rejected the ALJ's finding that the incident was isolated and not continuing. Rather, the Board found that Genty's misconduct was continuing in that he took

action after action in an attempt to ensure that his employer would not learn of the incident and involved an unknowing co-worker in his cover up. Finally, the Board found that the incident did involve personal gain,³ in that while no monetary gain was achieved, he attempted to cover up the incident to shield himself from potential discipline.

Honorable Service matters are considered under N.J.S.A. 43:1-3, which codified the 11-part test outlined by our Supreme Court's holding in Uricoli. The balancing test requires the Board to consider the totality of the member's public service and balance the misconduct against the member's career and includes the following:

(1) the member's length of service; (2) the basis for retirement; (3) the extent to which the member's pension has vested; (4) the duties of the particular member; (5) the member's public employment history and record covered under the retirement system; (6) any other public employment or service; (7) the nature of the misconduct or crime, including the gravity or substantiality of the offense, whether it was a single or multiple offense and whether it was continuing or isolated; (8) the relationship between the misconduct and the member's public duties; (9) the quality of moral turpitude or the degree of guilt or culpability, including the member's motives and reasons, personal gain and similar considerations; (10) the availability and adequacy of other penal sanctions; and (11) other personal circumstances relating to the member which bear upon the justness of forfeiture.

[N.J.S.A. 43:1-3(c).]

The Uricoli Court also highlighted the importance of factors seven, eight, and nine, because they focus on the two central issues in forfeiture cases: the extent to which the misconduct touches the administration of the public employee's office or position and the degree of culpability or "wrongfulness of the particular infraction herein." 91 N.J. at 79.

In addition to the Uricoli balancing test, N.J.S.A. 43:1-3.1 provides a list of certain criminal

³ The parties agreed that Genty's actions involved personal gain. While this appears to be an error in the Initial Decision, the Board rejected this finding for the sake of completeness.

misconduct the Legislature deemed so egregious that it required a mandatory forfeiture. Genty pleaded guilty to N.J.S.A. 43:1-3.1(b)(14), Tampering with Witnesses in violation of N.J.S.A. 2C:28-5, which is a mandatory forfeiture offense. However, because Genty was admitted into PTI despite the “presumption against admission” into PTI for “a defendant who was a public officer or employee whose offense involved or touched upon his public office or employment,” N.J.S.A. 2C:43-12(b)(2)(a), this matter is governed by application of the Uricoli factors.

The Board found that Genty violated the public trust in an attempt to conceal the accident by tampering with a witness and tampering with physical evidence. While on duty, Genty failed to come to a complete stop at a stop sign with his official vehicle and struck a bicyclist. While that may have been just a careless accident, he failed to report the incident to his employer, stole a bicycle from Police Headquarters to give to the victim, and took the victim’s damaged bicycle to Public Works to be destroyed. An Internal Affairs investigation was commenced a few days later because the victim had reported the accident and told the police that Genty had said not to report it and that Genty would give the victim a new bicycle. As a result of this misconduct, Genty was charged with Tampering with a Witness in the Third Degree and Tampering with Physical Evidence in the Fourth Degree. Genty pled guilty to the same.

Factor #7 requires the Board to consider the “nature of the misconduct or crime, including the gravity or substantiality of the offense, whether it was a single or multiple offenses and whether it was continuing or isolated.” N.J.S.A. 43:1-3(c)(7). The ALJ agreed with the Board that the offenses were serious and egregious and directly touched the core responsibilities of Genty’s public employment.

The Board rejected the ALJ’s finding that the offense was isolated. Genty’s criminal misconduct stemmed from attempting to conceal an on-duty accident from his employer in order to escape any potential consequences. His actions were clearly not a single lapse of judgment.

Instead, Genty took multiple steps in violation of the law and internal policy. In sum, while on duty, Genty got into an accident with a bicycle rider, failed to report the incident, failed to call an ambulance for the victim, and enlisted an unwitting co-worker to steal a bicycle from police headquarters in an attempt to bribe the victim. Ibid.

It is also beyond genuine dispute that Genty's criminal misconduct was directly related to his public duties. In fact, Genty was almost successful in concealing his involvement in an accident precisely because of his position and his access to Seaside's bicycle's inventory. His misconduct touched all of those job responsibilities and is in direct violation of them. In addition, Genty used a police department vehicle in an attempt to deliver a bicycle he was not authorized to take to the victim.

Factor #9 requires the Board to consider "the quality of moral turpitude or the degree of guilt and culpability, including the employee's motives and reasons, personal gain and similar considerations." N.J.S.A. 43:1-3(c). Genty's misconduct was a flagrant disregard of the state law and his employer's policies when he was actually vested with official responsibility to promote and enforce the same. Further, he used his position and access to the police department's bicycle inventory and vehicle in an attempt to conceal the accident. The Board found that Genty's actions diminish both the public and his colleagues' respect for and confidence in the state police force. Our courts have recognized acts that "diminish the public's respect for the department, and 'ultimately undermine the public's confidence in the rule of law,'" to be colorable considerations in imposing a forfeiture. Corvelli v. Bd. of Trs., 130 N.J. 539, 545 (1992).

Finally, Genty pled guilty to tampering with a witness in violation of N.J.S.A. 2C:28-5, which is a mandatory forfeiture offense under N.J.S.A. 43:1-3.1(b)(14). Notwithstanding the presumption against admission into PTI for "a defendant who was a public officer or employee whose offense involved or touched upon his public office or employment," N.J.S.A. 2C:43-12(b)(2)(a), the

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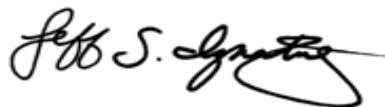
prosecutor admitted Genty into PTI for what should be a mandatory forfeiture offense. Therefore, in balancing the factors, the Board was reasonable in giving greater weight to Factors #7, 8 and 9 when it imposed a total forfeiture.

For these reasons, the Board rejected the ALJ's recommendation of a seven-year forfeiture and reinstated a total forfeiture of all of Genty's PERS salary and service credit. 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
PO Box 006
Trenton, NJ 08625

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Ignatowitz", with a stylized flourish at the end.

Jeff Ignatowitz, Secretary
Board of Trustees
Public Employees' Retirement System

G-3

C: J. Ehrmann (ET)
OAL, Attn: Library (ET)
DAG Alison Keating (ET)
DAG Payal Ved (ET)
Todd Genty (via regular mail)