

---

OPEN SESSION

---

**HONORABLE SERVICE/SERVICE RETIREMENT – (continued)**

**Faulk, Randy – (continued)**

Subsequently, the Board approved Mr. Faulk's Service Retirement with adjustment in accordance with the imposed forfeiture. Noting that he is currently admitted into PTI for a six month period, he will be eligible to receive retirement benefits upon dismissal from the program. (Motion by Trustee Bennett seconded by Trustee Middlesworth; Vote: 6-1; Trustee Loccke nae; Trustee Barrett not present for vote)

**HONORABLE SERVICE/REQUEST ACCIDENTAL DISABILITY RETIREMENT**

(A motion to adopt Resolution B was made by Trustee Loccke seconded by Trustee Bennett. A subsequent motion to return to Open session was made by Trustee Middlesworth seconded by Trustee Kaniuk)

**Lynch, Christopher – Sussex County** - The Board considered the matter of Christopher Lynch. The Board reviewed the administrative charges along with all relevant documentation, and Samuel Halpern's personal comments, in accordance with N.J.S.A. 43:1-3, to determine the possible impact this may have on Mr. Lynch's Application for Accidental Disability Retirement. Specifically, the Board considered the following documents:

- February 10, 2016 memorandum to the PFRS Board of Trustees, from John Sloth, Investigator, of the Division of Pensions and Benefits (Division), concerning the matter of the honorable service of Christopher Lynch;
- December 9, 2015 letter to Christopher Lynch, from Valerie McManus, Supervisor, Disability Review Section, concerning the retirement application of Christopher Lynch;
- August 18, 2015 memorandum to Valerie McManus, from Susan Grant, Acting Director of the Pension Fraud and Abuse Unit, concerning the honorable service of Christopher Lynch;
- Undated webpage from the DailyRecord.com, containing pictures of Christopher Lynch at Action Park, Vernon, NJ;
- NJ Civil Service Commission (CSC), *Final Notice of Disciplinary Action (31-B)*, issued November 24, 2015, to Christopher Lynch;
- *Settlement Agreement*, dated August 10, 2015, between the County of Sussex, Sussex County Sheriff's Office, and Christopher Lynch;
- July 13, 2015 letter to John Williams, Esq., Sussex County Counsel, from James Prusinowski, Esq., concerning the disciplinary charges against Christopher Lynch;
- April 13, 2015 memorandum to Undersheriff Homer Wanamaker, from Christopher Lynch, regarding the scheduling of a disciplinary hearing concerning the charges against Christopher Lynch;
- NJ Civil Service Commission (CSC), *Preliminary Notice of Disciplinary Action (31-B)*, issued April 13, 2015, to Christopher Lynch, with specifications;
- NJ Civil Service Commission (CSC), *Preliminary Notice of Disciplinary Action (31-B)*, issued January 19, 2015, to Christopher Lynch, with specifications;
- *Employer Certification for Disability Retirement*, submitted by the Certifying Officer of the County of Sussex, on behalf of Christopher Lynch;
- August 4, 2015 letter to the Division's Retirement Bureau, from Robert Maikis, Certifying Officer, regarding the application for Accidental Disability retirement filed by Christopher Lynch;
- July 27, 2015 memorandum to Robert Maikis, from Ron Tappan, Department of Central and Shared Services, County of Sussex, concerning the matter of Christopher Lynch;
- *Application for Disability Retirement*, submitted on July 8, 2015, by Christopher Lynch, requesting Accidental Disability retirement effective August 1, 2015;
- *Application for Disability Retirement*, submitted on July 5, 2015, by Christopher Lynch, requesting Accidental Disability retirement effective August 1, 2015;

---

OPEN SESSION

---

**HONORABLE SERVICE/REQUEST ACCIDENTAL DISABILITY RETIREMENT – (continued)**

**Lynch, Christopher – (continued)**

- *Application for Disability Retirement*, submitted on June 16, 2015, by Christopher Lynch, requesting Accidental Disability retirement effective August 1, 2015;
- NJ CSC, Job Specification: *county Correction Lieutenant*;
- January 22, 2015 letter to Sussex County, from Statewide Insurance Fund, concerning a Worker's Compensation claim filed by Christopher Lynch;
- *Workers Compensation – First Report of Injury or Illness*, completed January 20, 2015, on behalf of Christopher Lynch;
- *County of Sussex, Employee Accident Investigation Report Form*, completed January 20, 2015, on behalf of Christopher Lynch;
- January 20, 2015 memorandum to Lt. Puentes, from Christopher Lynch, concerning an inmate at Sussex County Jail;
- Sheriff's Office of Sussex County, *Report of Misconduct or other Incident*, filed January 20, 2015, by CO J. Lock, concerning a January 20, 2015 incident involving an inmate at Sussex County Jail;
- Sussex County, Sheriff's Office, *Supplementary Report*, dated January 20, 2015, filed by CO VonGlahn, concerning the January 20, 2015 incident involving an inmate;
- Sussex County, Sheriff's Office, *Supplementary Report*, dated January 20, 2015, filed by CO A Robbins, concerning the January 20, 2015 incident involving an inmate;
- January 20, 2015 memorandum to Christopher Lynch, from Sgt. Boden, Sherriff's Office of Sussex County, concerning the January 20, 2015 incident involving an inmate;
- Sussex County, Sheriff's Office, *Supplementary Report*, dated January 20, 2015, filed by CO Skove, concerning the January 20, 2015 incident involving an inmate;
- Sussex County, Sheriff's Office, *Supplementary Report*, dated January 20, 2015, filed by CO Marisco, concerning the January 20, 2015 incident involving an inmate;
- Sussex County, Sheriff's Office, *Supplementary Report*, dated January 20, 2015, filed by CO Cottrell, concerning the January 20, 2015 incident involving an inmate;
- Additional memoranda concerning the January 20, 2015 incident involving an inmate at Sussex County Jail;
- *Workers Compensation – First Report of Injury or Illness*, completed October 7, 2014, regarding an incident on October 6, 2014, on behalf of Christopher Lynch;
- October 7, 2014 letter to Sussex County, from Statewide Insurance Fund, concerning a Worker's Compensation claim filed by Christopher Lynch for an incident occurring on October 6, 2014;
- *County of Sussex, Employee Accident Investigation Report Form*, completed October 7, 2014 by CO Marsico, on behalf of Christopher Lynch;
- February 5, 2016 email to Hank Schwedes, from Debbie Pfunke, County of Sussex, regarding the matter of Christopher Lynch; and
- All relevant documents from the pension file of Christopher Lynch.

N.J.S.A. 43:1-3 establishes 11 factors for which the Board is to consider and balance in view of the goals of the pension statutes when determining whether forfeiture or partial forfeiture is appropriate, taking account of the goals to be achieved under the pension laws. These factors are:

OPEN SESSION

**HONORABLE SERVICE/REQUEST ACCIDENTAL DISABILITY RETIREMENT – (continued)**

**Lynch, Christopher – (continued)**

1. The member's length of service;	15 years, 9 months
2. The basis of retirement;	Accidental Disability
3. The extent to which the member's pension has vested;	The member's pension is vested with more than 10 years of service.
4. The duties of the particular member;	County Correction Lieutenant
5. The member's public employment history and record covered under the retirement system;	15 years, 9 months
6. Any other public employment;	None Noted
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;	<p>On April 13, 2015, Christopher Lynch was served with a Preliminary Notice of Disciplinary Action (31-A) charging him with violations of four Sussex County Sheriff Department Rules and Regulations:          Policy 1:4.2 – Authority;          Policy 3:1.6 – Duty Responsibilities;          Policy 3:1.31 – Reporting Violations of Laws, Ordinances, Rules and Regulations or Orders;          Policy 3:1.29 – Withholding Information.          He was also charge with violations of <u>N.J.A.C. 4A:2-2.3</u> which reads in pertinent part:          (a) An employee maybe subject to discipline for:          1. Incompetence, inefficiency, failure to perform duties;          2. Insubordination;          6. Conduct unbecoming a public employee;          7. Neglect of duty; and          12. Other sufficient cause.</p> <p>The specifications read:          For approximately twelve months, Lt. Lynch was aware or had knowledge that another Corrections Officer possessed, used and distributed illegal narcotics, to wit, steroids. During that time, Lt. Lynch purchased steroids for his personal use from the other officer, and at least once purchased the drugs on Correctional Facility property; Further, Lt Lynch did not initiate an arrest or take any law enforcement action concerning this illegal activity, he did not report the illegal activities, and he did not have a prescription for steroids.</p> <p>Lt. Lynch was made aware of the charges on April 9, 2015, and was suspended without pay effective April 10, 2015.</p> <p>In addition, on October 28, 2014, an inmate was transported back to the jail from Dover Hospital. Lt. Lynch was the supervisor in charge and became aware that some type of contraband, later determined to be a cell phone, was spotted concealed on the inmate. He failed to take action. He was charged with violating: Policy 1:4.2, Authority, Policy 3:1.6, Responsibilities, and Police 3:1.31, Reporting Violations of Laws, Ordinances, Rules and Regulations or Orders. His failure to take action created a potentially dangerous situation.</p>

OPEN SESSION

**HONORABLE SERVICE/REQUEST ACCIDENTAL DISABILITY RETIREMENT – (continued)**

**Lynch, Christopher – (continued)**

8. The relationship between the misconduct and the member's public duties;	The misconduct is directly related to Mr. Lynch's official position in both instances.
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;	The Board finds a high level of moral turpitude and culpability in his misconduct.
10. The availability and adequacy of other penal sanctions; and	<p>By Settlement Agreement dated August 10, 2015, Christopher Lynch irrevocably resigned from the Sussex County Sheriff's Office effective August 10, 2015. The County agreed to withdraw with prejudice the disciplinary charges levied concerning the use and sale of steroids and the incident involving the smuggled cell phone.</p> <p>Mr. Lynch is barred from future law enforcement employment in NJ, and agreed to cooperate in the investigation of disciplinary charges against other employees.</p>
11. Other personal circumstances relating to the member which bear upon the justness of forfeiture.	On June 16, 2015, Mr. Lynch filed for Accidental Disability retirement. The Board also notes the personal comments offered by his attorney.

A review of the relevant documents indicates that although this was an administrative matter, the Board noted the two instances of misconduct involving the sale and use of steroids and a separate event involving a cell phone. The Board determined that Mr. Lynch's instances of misconduct demonstrated a high degree of moral turpitude and there was a direct relationship with his duties as a County Correction Lieutenant with the County of Sussex. He contends that Mr. Lynch served the public honorably and well in his capacity as Corrections Officer up to the occurrences of misconduct during what would end up being his last years of service. However, the Board noted that Mr. Lynch's purchase of illegal steroids for personal use on multiple occasions, and allowing the ongoing sale of such substances on the premises of Sussex County Jail with his knowledge is an egregious violation of his duties as a Correction Lieutenant. Further, by permitting a cell phone to be brought into the jail, he allowed the creation of a highly dangerous situation for the staff and inmates within the jail. The Board noted that, as a senior officer, he bears great responsibility for providing leadership and conformance to procedures. The receipt of a public pension is expressly conditioned upon the rendering of honorable service by a public officer. Based on the above, the Board voted for total forfeiture of Mr. Lynch's benefits, based on his PFRS service, due to his egregious misconduct. He is entitled to the refund of his accumulated pension contributions that were remitted during his membership. In a separate action, the Board determined that Mr. Lynch's Application for Accidental Disability benefits is moot because his total service and salary credit are forfeited. The Board also noted that the Settlement stipulates that he may never return to employment in a law enforcement position in NJ. (Motion by Trustee Loccke seconded by Trustee Bennett)