

G. PHILIP LEWIS, ESQ.
105 STOCKINGTON ROAD
WOODSTOWN, NJ 08098
(856) 769-3322 FAX: (856)769-3810
MEMBER, NEW JERSEY AND PENNSYLVANIA BARS

November 5, 2007

Ms. Kathy Coates, Secretary, Board of Trustees
Public Employees' Retirement System
PO Box 295
Trenton, NJ 08625-0295

Re: MS #XXXXXXXX

Dear Ms. Coates;

Having personally been present at the September 19, 2007 PERS Board meeting, we strongly disagree with your follow-up letter dated September 24, 2007 in which you stated the Board "...considered your personal statements, your letters of September 4, 2007 and July 27, 2007, and all relevant documentation." The Board did no such thing.

The Board refused to allow discussion or consideration of the most relevant documentation which follows:

- **The PERS Board's letter of commitment dated December 21, 1998.** This letter, after the Board's careful consideration of the law, communicated a determination by the Board and gave their directive to the Enrollment Bureau staff. The Board of Trustees in the December 21, 1998 letter stated, "By copy of this letter, I am advising Ms. MaryEllen Rathbun, Assistant Chief of the Enrollment Bureau to implement the PERS Board's decision." **That meant when these employees applied to the NJPERS office for their pensions, they were to receive their pensions. I was one of those employees.**
- **The act of insubordination by the PERS staff**
On February 7, 2001, PERS staff arbitrarily went against the Board's decision and refused my \$93,533.76 certified check to allow me to bring my share of my pension account current and denied my right to obtain my pension.

For the past seven years, despite numerous requests from us that the Board acknowledge this letter of commitment and the ensuing refusal of the staff to follow specific instruction, these points have been lost. It is clear that the Board has no intention of correcting this error based on our efforts to date. The remaining points raised in your letter justifying the continued denial of my pension are irrelevant and further obfuscate the real issue.

The Board is charged with protecting the public trust. It is reasonable, therefore, for the public to rely upon written commitment by the Board. We believe the ongoing refusal of the Board to correct the result of the insubordination of staff to carry out the directive of the Board, represents a larger issue than one man's complaint. By choosing to relinquish its authority into the hands of lower echelon staff, the Board has abandoned the public trust.

Sincerely,

G. Philip Lewis