



Board of Retirement Regular Meeting

Sacramento County Employees' Retirement System

Agenda Item 5A

MEETING DATE: January 17, 2024

SUBJECT: Felony Forfeiture Review—MARIN, Edward

SUBMITTED FOR: Consent Deliberation and Action Receive and File

RECOMMENDATION

Based upon its investigation pursuant to SCERS' Felony Forfeiture Policy, Staff recommends the Board find that Edward Marin's felony conviction did not arise out of or in connection with his official duties as a public employee and that no forfeiture of his accrued rights and benefits in SCERS is warranted under California's felony forfeiture statutes.

BACKGROUND

Edward Marin ("Member") is a 50-year-old former Human Services Specialist with the Department of Human Assistance who previously worked in various positions for Sacramento County, accruing 20+ years of Miscellaneous Tier 3 service in the Sacramento County Employees' Retirement System (SCERS). Member began his employment with the County in December 1998 and terminated his employment in December 2020.

Member was arrested in April 2020 and charged with 32 criminal counts of child sexual assault (Penal Code Sections 288(a) and 288(c)(1)) committed between 2005 and 2018. A jury convicted Member on all charges in May 2021. He was sentenced to 57 years and 4 months in state prison in July 2021.

Staff learned about Member's felony convictions in October 2023. Pursuant to California's felony forfeiture statutes (California Government Code Sections 7522.70-7522.74), SCERS Felony Forfeiture Policy ("Policy") directs Staff to investigate whether the Member's felony convictions arose out of or in the performance of the Member's official job duties, then present a recommendation concerning forfeiture to the Board. Staff reviewed various records and reports, including, but not limited to, the Warrant Request Form from the Sacramento District Attorney's Office, a General Report and Investigation Narrative from the Sacramento Police Department, a Report and Recommendation of the Probation Officer, and the felony complaint submitted in *The People of the State of California v. Edward Marin*, Sacramento County Superior Court Case No. 20FE006546. Staff also reviewed the Sacramento County Class Specifications and job duties for all County positions held by Member.

Pursuant to the Policy, Member has been provided notice that this recommendation will be presented to the Board.

ANALYSIS

To fall within the scope of the forfeiture statutes, a public employee must be convicted of a felony for conduct arising: (i) out of or in the performance of his or her official duties; (ii) in pursuit of the office or appointment; or (iii) in connection with obtaining salary, disability retirement, service retirement, or other benefits. (See Gov. Code §7522.72(b)(1).) A public employee's rights and benefits may also be subject to forfeiture if he or she has contact with children as part of his or her official duties and commits a felony against or involving a child who he or she has contact with within the scope of those duties. (See Gov. Code §7522.72(b)(2).)

No evidence was discovered indicating that Member's conduct meets these criteria. The facts indicate that the Member's contact with the victims was related to his personal relationships rather than his County employment as an Office Assistant and Eligibility Specialist when the felonies occurred. Accordingly, there appears to be no basis upon which to conclude that Member's felony conviction falls within the scope of California's felony forfeiture statutes.

CONCLUSION

Staff contacted the County regarding SCERS' investigation into this matter to provide the department with an opportunity to object to or provide additional information. The employer did not provide any objections and confirmed that it did not have any information contrary to SCERS' recommendation.

ATTACHMENTS

- Board Order

Prepared by:

/s/

Keith Riddle
Chief Benefits Officer

Reviewed by:

/s/

Eric Stern
Chief Executive Officer



Retirement Board Order

Sacramento County Employees' Retirement System

Before the Board of Retirement
January 17, 2024

AGENDA ITEM:

Felony Forfeiture Review—MARIN, Edward

THE BOARD OF RETIREMENT hereby accepts the recommendation of staff and finds that Edward Marin's felony conviction did not arise out of or in connection with his official duties as a public employee and that no forfeiture of his accrued rights and benefits in SCERS is warranted under California's felony forfeiture statutes.

I HEREBY CERTIFY that the above order was passed and adopted on January 17, 2024 by the following vote of the Board of Retirement, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ALTERNATES:
(Present but not voting)

James Diepenbrock
Board President

Eric Stern
Chief Executive Officer and
Board Secretary