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## Nowicki: I Followed the Rules

By Nick Marnell



Pete Nowicki in 2007 Photo A. Scheck

For a man who five days earlier had his pension reduced by over \$1 million, Pete Nowicki did not appear angry or bitter. Rather, the former Moraga-Orinda Fire District chief said that he felt disrespected and hurt. Disrespected, after the work that he did for 26 years at MOFD, and that he was punished for doing what he was told to do by the Contra Costa County Employees' Retirement Association. And hurt, over how he has been portrayed.

"Absolutely, I feel disrespected," said Nowicki during a Sept. 14 interview. "CCCERA counseled me on what to do, on how to get what I was entitled to. I followed the rules. Then, 'No, we changed our mind, and we're going to take back the deal.' How can they do this?"

Nowicki said he was surprised to receive the Aug. 5 letter from CCCERA, summoning him to a Sept. 9 hearing at which the retirement board was to consider adjusting his retirement allowance. "No, I did not see it coming at all," said Nowicki. "Now

I've got four weeks to find a lawyer and develop an appropriate response. I didn't know I could have asked for a delay."

Nowicki said he felt he had no chance at that hearing. "I felt I was singled out, that this was media and politically driven," he said. He said he is frustrated that he has been unable to convey his position: That he was offered the job of MOFD fire chief in July 2006, and that his original contract did not include sell-back of vacation leave or administrative leave. "The board said they would do annual reviews, and that they would make me whole," he said. "They did exactly what they said they would do."

The district added vacation sell-back rights to his contract in July 2007, but the terms were not finalized until February 2008. "The MOFD board was dysfunctional in getting things done in a timely fashion," said Nowicki. "Shame on them. But they told me it would be retroactive to July. I trusted them, and they did it."

The second amendment to his contract, allowing more sell-back rights, was not finalized until December 2008. Nowicki retired Jan. 30, 2009. The CCCERA board pointed to that retirement date as one of the factors contributing to the improper increase of his pension.

"My biggest mistake was not demanding that those perks be put into the original contract," said Nowicki. "I regret that." He said that he asked MOFD director Fred Weil for an affidavit, stating what the board originally promised Nowicki, but that Weil did not respond. (Weil declined to comment, saying that the status of the former chief's pension "is likely to be the subject of litigation.")

"Of course it hurts," said Nowicki. "It's absolutely awful. I've had a lot of sleepless nights. Six years out of retirement, it overwhelms me, my family, my friends. It's a horrible position to be put in.

"I know the sentiment of the public. Here's this guy coming out of the fire department, making all of this money. It's got to be something I did wrong. But I didn't. I didn't set those standards."

With the retirement board having voted to cut back his pension \$1.2 million - the projected savings by correcting future overpayments - Nowicki has exhausted his administrative appeals

through CCCERA, and he said that he is talking to an attorney.

"I find it equally demeaning and dishonoring to be put in this position, especially after having served the fire district the very best I could for 26 years and having followed all of the rules and direction that was given to me by CCCERA," he said.

"It's shameful."

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