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MOFD denies monetary claim from former fire chief

By *Nick Marnell*

The Moraga-Orinda Fire District board voted to reject damage claims of former Fire Chief Pete Nowicki, who had his \$20,076 monthly pension lowered by the district retirement plan manager because it claimed that Nowicki's retirement benefits had been improperly calculated.

Nowicki retired on Feb. 1, 2009, and in September 2015, the chief learned that the Contra Costa County Employees' Retirement Association demanded that he repay \$586,000, plus interest, in pension overpayments and began deducting \$9,227 monthly from his retirement benefit. CCCERA plans to continue the adjustment until May 2022, when Nowicki's monthly benefit will be permanently reduced to \$14,296. In his filing against the district, Nowicki stated that "the reduction of my monthly retirement benefits has been and continues to be a breach (of) my employment agreement with the Fire District." He requested that the district repay all past and future pension deductions, plus other charges including legal expenses.

A federal court dismissed Nowicki's cause of action in June, and the Contra Costa Superior Court ruled against his claim in October, citing that the case had not been filed on time. The court also failed to determine how MOFD caused CCCERA to deprive Nowicki of his due process rights by reducing his pension, nor did the court find any breach of employment agreement between Nowicki and MOFD.

The district rejected Nowicki's complaint in January on similar grounds. "It wasn't the district that reduced Nowicki's pension, it was CCCERA," said district counsel Jonathan Holtzman.

Neither Nowicki nor his lawyer, Peter Janiak, would comment on the decision, nor would they discuss any future course of action.

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