

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR PLAINTIFF
BY: SARAH D. BRIGHAM
ATTORNEY ID NO. 184902016
DEPUTY ATTORNEY GENERAL
DIVISION OF CRIMINAL JUSTICE
APPELLATE UNIT
P.O. BOX 086
TRENTON, NEW JERSEY 08625
(609) 376-2400

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MERCER COUNTY
DOCKET NO. MER-L-

_____	:	
STATE OF NEW JERSEY,	:	
	:	
Plaintiff,	:	<u>CIVIL ACTION</u>
	:	
v.	:	
	:	COMPLAINT SEEKING FORFEITURE
PETER J. BYRON,	:	OF PUBLIC OFFICE, POSITION, OR
	:	EMPLOYMENT
Defendant.	:	
_____	:	

Plaintiff, State of New Jersey, by Matthew J. Platkin, the Attorney General of New Jersey, Deputy Attorney General Sarah D. Brigham appearing, for its complaint against defendant Peter J. Byron, seeking to declare that defendant has forfeited holding any public office, position, or employment held by him under the government of this State or any of its administrative or political subdivisions, including his currently held public positions as Mayor and a Commissioner of the

City of Wildwood, alleges as follows:

1. The Office of the Attorney General, Division of Criminal Justice, is a governmental agency of the State of New Jersey. The plaintiff is authorized to apply for an order of forfeiture of public office, position, or employment under N.J.S.A. 2C:51-2(b).

2. At all relevant times, defendant was the Mayor and/or a Commissioner of the City of Wildwood, New Jersey. As a Commissioner of Wildwood, defendant serves on a three-member board of commissioners, vested with “[a]ll of the executive, administrative, judicial and legislative powers of the City of Wildwood.” Wildwood, N.J., Mun. Code §§ 1A-2.1 and 1A-2.2. The commissioners choose one of their numbers to serve as Wildwood’s Mayor. Wildwood, N.J., Mun. Code § 1A-3.1. As Mayor of Wildwood, defendant “supervise[s] all [the city’s] departments and report[s] to the board [of commissioners], for its action, [on] all matters requiring the attention of the board or of any department”; he also serves as “president of the board of commissioners and . . . preside[s] at all [the board’s] meetings.” Wildwood, N.J., Mun. Code § 1A-3.2.

3. The positions held by defendant as alleged in Paragraph Two are thus positions of public office, position, or employment within the meaning of N.J.S.A. 2C:51-2.

4. On March 24, 2023, defendant pleaded guilty before the Honorable

Karen M. Williams, U.S.D.J., to a federal information charging him with two counts of willfully aiding and assisting in, and procuring, counseling, and advising, the preparation and presentation to the Internal Revenue Service of fraudulent federal tax returns for the calendar years 2017 and 2018, falsely representing his total income for those calendar years, while knowing that those returns were false and fraudulent, contrary to 26 U.S.C. § 7206(2). (Exhibits A, B, C, D & E).

5. On August 2, 2023, defendant was sentenced in United States District Court to an aggregate term of three years' probation and ordered to pay a \$200 special assessment, a fine of \$14,000, and restitution to the U.S. Treasury in the amount of \$7,014. (Exhibit F).

6. As alleged by the United States in the federal information, defendant has been Mayor of the City of Wildwood since in or about January 2020. He also previously served as the Wildwood Commissioner in charge of the Revenue and Finance Departments from in or about 2017 to in or about December 2018. (Exhibits A & E).

7. While defendant was a Commissioner of Wildwood, in or about June through August 2017, he sent multiple emails to "Individual 1," an unspecified attorney and managing partner of a law firm located in Gloucester County, seeking his or her assistance in obtaining a job with "various public entities." In September 2017, this attorney formed a company for "Consulting Services." Thereafter,

defendant received a letter, dated October 23, 2017, on the letterhead of the attorney's law firm that purported to set forth an employment offer to defendant from his or her "Consulting Services" company. The purported employment terms included that defendant would receive an annual salary from the company in exchange for "sales work" that defendant would perform for the company. Though the October 2017 letter bore the purported signature of the attorney's law-firm partner, the signature was forged. (Exhibit A).

8. According to the federal information, defendant received bi-weekly payments of \$1,925 from the company from on or about October 31, 2017, to on or about September 7, 2018, receiving \$40,425 in total by September 2018, all while serving as a Commissioner of Wildwood. However, defendant never reported his income from the company on his federal tax returns. (Exhibit A).

9. On or about May 4, 2020, defendant was interviewed by federal law-enforcement officials. Defendant acknowledged receiving the October 2017 employment letter and approximately \$40,000 in payments from the "Consulting Services" company. He also acknowledged that he did not file tax returns for the calendar years 2017 and 2018, alleging that he did not have the money to pay the taxes that he owed. (Exhibit A).

10. Thereafter, on or about July 23, 2020, while defendant was Mayor of Wildwood, defendant aided and advised his accountant in the preparation and

presentation of his personal income tax returns for calendar years 2017 and 2018, and filed returns falsely reporting the amount of his gross income for those years. Though the reported gross income on the tax returns for calendar years 2017 and 2018 included his income from his position as a Commissioner of Wildwood and from other sources, they excluded the income that he received in 2017 and 2018 from the “Consulting Services” company—specifically \$7,700 in 2017 and \$32,725 in 2018. (Exhibit A).

11. N.J.S.A. 2C:51-2(a) provides that a person holding any public office, position, or employment under the government of this State or any political subdivision thereof who is convicted of an offense shall forfeit such office, position, or employment if

- (1) He is convicted under the laws of this State of an offense involving dishonesty or of a crime of the third degree or above or under the laws . . . of the United States of an offense or a crime which, if committed in this State, would be such an offense or crime; [or]
- (2) He is convicted of an offense involving or touching such office, position or employment

N.J.S.A. 2C:51-2(b) also indicates that an order of forfeiture shall be entered pursuant to subsection a.:

- (2) [u]pon application of the . . . Attorney General, when the forfeiture is based upon a conviction of an offense under the laws . . . of the United States. An order of forfeiture pursuant to this paragraph shall be deemed to

have taken effect on the date the person was found guilty by the trier of fact or pled guilty to the offense.

12. The crimes for which defendant pleaded guilty constitute offenses involving dishonesty, and are also equivalent to at least a third-degree crime under New Jersey law. Pursuant to N.J.S.A. 2C:51-2(a)(1) and (b)(2), defendant has thus forfeited any public positions held by him as of March 24, 2023, the day he pleaded guilty to the federal information.

WHEREFORE, plaintiff demands judgment against defendant declaring that, because of his federal convictions, he has forfeited any public position he currently holds, that he may no longer exercise the powers and privileges of those positions, and that he may no longer receive any compensation or payment of any kind in connection with those positions under this State or any of its administrative or political subdivisions.

Plaintiff also seeks an order requiring defendant to declare any public office, position, or employment that he has held during the relevant period and/or that he may currently hold, such that those positions are also forfeited.

CERTIFICATION

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief, no other action or arbitration proceeding is contemplated other than the criminal case prosecuted by the State of New Jersey against defendant in Cape May County, under Superseding Indictment No. 23-07-0109-S, that may have further forfeiture of office and/or pension consequences under N.J.S.A. 2C:51-2 and N.J.S.A. 43:1-3.1 if defendant is convicted. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Respectfully submitted,

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR PLAINTIFF

BY: /s/ Sarah D. Brigham
Sarah D. Brigham
Deputy Attorney General

DATED: August 15, 2023

MATTHEW J. PLATKIN
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ATTORNEY FOR PLAINTIFF
BY: SARAH D. BRIGHAM
ATTORNEY ID NO. 184902016
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MERCER COUNTY
DOCKET NO. MER-L-

_____	:	
STATE OF NEW JERSEY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	<u>CIVIL ACTION</u>
	:	
PETER J. BYRON,	:	SUMMONS
	:	
Defendant.	:	
_____	:	

From the State of New Jersey to the defendant named above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons,

not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at <http://www.njcourts.gov>). A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil

Division Management Office in the county listed above and online at
<http://www.njcourts.gov>.

Michelle M. Smith

Michelle M. Smith
Clerk of the Superior Court

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR PLAINTIFF

BY: */s/ Sarah D. Brigham*
Sarah D. Brigham
Deputy Attorney General

DATED: August 15, 2023

Name of defendant to be served: Peter J. Byron

Address of defendant to be served: 316 West Garfield Avenue
Wildwood, New Jersey 08260

MATTHEW J. PLATKIN
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MERCER COUNTY
DOCKET NO. MER-L-

_____	:	
STATE OF NEW JERSEY,	:	
	:	
Plaintiff,	:	<u>CIVIL ACTION</u>
	:	
v.	:	
	:	ORDER OF FORFEITURE OF
PETER J. BYRON,	:	PUBLIC OFFICE, POSITION, OR
	:	EMPLOYMENT
Defendant.	:	
_____	:	
STATE OF NEW JERSEY	:	
	:	SS
COUNTY OF MERCER	:	

This action having been opened to this Court by Matthew J. Platkin, Attorney General of New Jersey (Sarah D. Brigham, Deputy Attorney General, appearing), for forfeiture of public office, position, and employment, and defendant having pleaded guilty in the United States District Court for the District of New Jersey on March 24, 2023, to two counts of willfully aiding and assisting in the preparation

and presentation of false and fraudulent tax returns, in violation of 26 U.S.C. § 7206(2), for which he was found guilty: (1) constituting offenses involving dishonesty; and (2) being equivalent to at least a third-degree crime under New Jersey law;

IT IS ON THIS _____ day of _____, 2023, ORDERED that Peter J. Byron, forfeit any public employment, office, or position held by him, including but not limited to his positions as Mayor and a Commissioner of the City of Wildwood.

IT IS FURTHER ORDERED that Peter J. Byron declare any public office, position, or employment he has held during the relevant period and/or that he may currently hold, such that those positions are also forfeited.

IT IS FURTHER ORDERED that the above forfeiture of public office is deemed to have taken effect on March 24, 2023, the date defendant pleaded guilty to the federal information, unless and until defendant successfully overturns his federal convictions on appeal to the Circuit Court of Appeals for the Third Circuit or the Supreme Court of the United States.

Hon. Robert T. Lougy, A.J.S.C.



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF CRIMINAL JUSTICE

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

MATTHEW J. PLATKIN
Attorney General

J. STEPHEN FERKETIC
Director

August 15, 2023

Honorable Robert T. Lougy, A.J.S.C.
Mercer County Criminal Courthouse
400 South Warren Street, 4th Floor
Trenton, New Jersey 08650-0068

Re: State v. Peter J. Byron
Docket No. MER-L-

Your Honor:

Enclosed herein in the entitled matter are courtesy copies of the State's
(1) Complaint Seeking Forfeiture of Public Office, Position, or Employment;
(2) Summons; (3) Proposed Order; (4) Civil Case Information Statement; and
(5) Track Assignment Notice. These papers were filed on August 15, 2023,
through eCourts.

Very truly yours,

/s/ Sarah D. Brigham

Sarah D. Brigham
Deputy Attorney General

Enclosures

cc: Eric Shenkus, Esq.
Thomas Young, Esq.



Civil Case Information Statement

Case Details: MERCER | Civil Part Docket# L-001562-23

Case Caption: STATE OF NEW JERSEY VS BYRON PETER

Case Initiation Date: 08/15/2023

Attorney Name: SARAH D BRIGHAM

Firm Name: ATTORNEY GENERAL CRIMINAL JUSTICE

Address: 25 MARKET STREET PO BOX 085
TRENTON NJ 086250085

Phone: 6093762401

Name of Party: PLAINTIFF : State of New Jersey

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: FORFEITURE

Document Type: Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers: Cap

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: State of New Jersey? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Simultaneously moving to proceed summarily.

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

08/15/2023

Dated

/s/ SARAH D BRIGHAM

Signed

