

STATE OF MICHIGAN
IN THE 16TH CIRCUIT COURT FOR THE COUNTY OF MACOMB

People of the State of Michigan
Plaintiff,

Hon. Nanci Grant
by SCAO assignment

v.
Eric Joseph Smith,

Case No. 2022-000235-FH
(Oakland County Number:
2022-SC0054-SC)

Defendants,

Michael G. Frezza (P46949)
Kelli Megyesi (P66349)
Assistant Attorneys General
Attorneys For the People
Michigan Department of Attorney General
3030 West Grand Blvd., Ste. 10-350
Detroit, MI 48202
(313) 456-0180
frezzam@michigan.gov

Martin Crandall (P26824)
John Dakmak (P58210)
Attorneys for Defendant
Clark Hill PLC
500 Woodward Ave Ste 3500
Detroit, MI 48226-3485
(313) 965-8288

**ORDER OF FORFEITURE FOR RETIREMENT BENEFIT OF
DEFENDANT ERIC JOSEPH SMITH**

Defendant, on or about August 1, 2023, pleaded guilty to three felonies in the Amended Information, including one count of Official Misconduct in Office, Count 2, that the Court accepted, and it according to defendant's guilty plea is a felony arising out of his service as a public officer and/or employee for the misuse of public

funds, under sections 3 and 4 of the Public Employee Retirement Benefits Forfeiture Act, MCL 38.2703 and 38.2704, and that the Court being otherwise fully advised in the premises,

At a session of said Court
held in the City of Mt. Clemens, County of
Macomb
State of Michigan on

September 13, 2023

Present: Nanci J. Grant
THE HONORABLE NANCI GRANT

IT IS HERBY ORDERED THAT,

1. The portion of Defendant Eric Joseph Smith's retirement benefit (employee ID number E007206) under The Macomb County Employees Retirement System (aka MCERS) that accrued to Defendant on and after March 24, 2014, which was the date of the first act that resulted in his felony conviction, is forfeited.
2. If applicable, and to the extent permitted under the Public Employee Retirement Benefits Forfeiture Act, MCL 38.2701, *et seq.*, Defendant's accumulated contributions standing to his credit, if any, in any individual account established for that purpose in the Macomb County Employees Retirement System shall be refunded to Defendant.
3. If applicable, and to the extent permitted under the Public Employee Retirement Benefits Forfeiture Act, MCL 38.2701, *et seq.*, The Macomb County Employees Retirement System shall pay to an individual, if any, who would otherwise be a beneficiary of Defendant an actuarially equivalent monthly retirement allowance at the age that Defendant would have become eligible for unreduced retirement benefits under The Macomb County Employees Retirement System.
4. If applicable, and to the extent permitted under the Public Employee Retirement Benefits Forfeiture Act, MCL 38.2701, *et seq.*, the Macomb County

Employees Retirement System shall provide hospitalization and medical coverage insurance to Defendant and to his beneficiaries in the same manner and under the same restrictions as is provided to other retirants and beneficiaries of Macomb County Employees Retirement System.

5. The Clerk of the Court shall promptly deliver a copy of this Order by US Mail and email to:

The Macomb County Employees Retirement System (MCERS)
1 South Main Street, 8th Floor,
Mount Clemens, MI 48043
Attention: Mr. Mark Deldin, Chief Deputy County Executive

And copies to, valerie.schave@macombgov.org and
john.schapka@macombgov.org

6. That after, and only after, the above provisions of this Court's Order of Forfeiture for Retirement Benefit of Defendant Eric Joseph Smith Forfeiture Order is entered, served on The Macomb County Employees Retirement System (MCERS), and the statutory forfeiture is fully implemented by MCERS, that this freeze order is then ordered dissolved.

IT IS SO ORDERED:



THE HONORABLE NANCI GRANT

82