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MADIGAN: RYAN'S PENSION FORFEITED

Chicago—Attorney General Lisa Madigan today issued an opinion in response to the September 6, 2006 request from the General Assembly Retirement System for guidance regarding whether former Governor George Ryan's felony convictions result in a forfeiture of his pension benefits under the Illinois Pension Code.

Madigan's opinion concludes that Ryan has forfeited all of his public pension benefits because his felony convictions arose out of and in connection with his service as a state official. Madigan further advises the General Assembly Retirement System that it may suspend Ryan's pension benefits as of the date of his criminal sentencing.

"Former Governor Ryan's extensive and reprehensible criminal conduct was directly and inherently related to his official duties as state officer," Madigan stated. "In my opinion, the criminal conduct in which he engaged for over a decade as a state official is precisely the type of misconduct and breach of public trust that the felony forfeiture provision of the Pension Code is designed to discourage. Consequently, I have concluded that Ryan's felony convictions clearly require the forfeiture of all of his pension benefits."

The General Assembly Retirement System specifically requested that Madigan provide a legal opinion addressing five questions relating to Ryan's receipt of benefits in light of his felony convictions. Madigan's opinion responds to each question and concludes:

1. Ryan has forfeited his pension benefits because of felony convictions arising out of and in connection with his service as Governor and Secretary of State of the State of Illinois;
2. Ryan has forfeited all of his pension benefits, not merely those that accrued while he served as Governor and Secretary of State;
3. Ryan's pension benefits may be suspended upon his conviction, which is defined by statute as following the imposition of sentence;
4. Under the Pension Code and previous Illinois Supreme Court decisions, Ryan is entitled to a refund of contributions he made to the System, including the amount that was transferred to the System from the Illinois

Municipal Retirement Fund and the salary disparity contribution he made to the System with regard to the transferred IMRF credits; and

5. The System must timely refund Ryan's contributions after voting to terminate his pension benefits and providing him with an opportunity to appeal that decision.

A complete copy of the opinion is available at
www.illinoisattorneygeneral.gov/opinions/2006/

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