

fact possess investigative experience cannot be credited to his application for an individual's license.

It is our opinion that you are correct in refusing to issue a license to this person. The statute is absolutely clear in this regard. Furthermore, this individual cannot invoke the reciprocity provisions of N.J.S.A. 45:19-23 which states that:

"Any person, firm, association or corporation incorporated or licensed under the laws of any other State of the United States, and intending to conduct a private detective business or act as a private detective or investigator within this State shall file in the office of the superintendent a written application duly signed and verified and obtain from the superintendent a license as herein provided and shall be subject to all the provisions of this act."

The obvious intent of this statute is to permit a person, firm, association or corporation licensed in New York State to operate in New Jersey under a New Jersey-issued private detective's license if that particular person, firm, association or corporation is the applicant. That is not the case here. To permit individuals from corporations licensed to be private detectives in other States to operate in this State as individuals under the aegis of the reciprocity provisions would lead to harmful results. Actions by an individual in this State could be the actions of the corporation which, in fact, is not licensed to do business in this State. Such a guise would tend to subvert the control which the Legislature has conferred upon you.

In summary, you have the right to deny the applicant for an individual private detective license under the terms of N.J.S.A. 45:19-9 et seq.

Very truly yours,

DAVID D. FURMAN  
*Attorney General*

By: DAVID M. SATZ, JR.  
*Deputy Attorney General in Charge*

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MAY 29, 1959

HONORABLE JOHN A. KERVICK  
*State Treasurer*  
State House  
Trenton, New Jersey

MEMORANDUM OPINION 1959—P-8

DEAR MR. KERVICK :

You have requested our opinion as to whether more than one individual may be designated as a beneficiary under a Public Employees' Retirement System Group Life Insurance Policy, and whether unnamed children of a beneficiary who predeceases the insured member may be named as alternate beneficiaries.

It is our opinion that more than one individual may be designated as a beneficiary under such a life insurance policy but that unnamed children of a beneficiary who predeceases the insured may not be named as alternate beneficiaries. The Public

Employees' Retirement System—Social Security Integration Act, N.J.S.A. 43:15A-6 et seq., contains several provisions which deal with beneficiary designations on life insurance benefits. N.J.S.A. 43:15A-41(c); N.J.S.A. 43:15A-45(c); N.J.S.A. 43:15A-46(c); N.J.S.A. 43:15A-48(d).

N.J.S.A. 43:15A-41(c) reads as follows:

"Upon the receipt of proper proof of the death of a member in service on account of which no accidental death benefit is payable under section 49 there shall be paid to such person, if living, as he shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate:

"(1) His accumulated deductions at the time of death together with regular interest; and

"(2) An amount equal to  $1\frac{1}{2}$  times the compensation upon which his contributions are based or received by the member in the last year of creditable service; provided, however, that if such death shall occur on or after July 1, 1956, and after the member shall have attained age 70, the amount payable shall equal  $\frac{3}{16}$  of the compensation received by the member in the last year of creditable service instead of  $1\frac{1}{2}$  times such compensation."

The language of N.J.S.A. 43:15A-45(c), 46(c) and 48(d) is identical with the language quoted above with regard to designation of beneficiaries. Thus, it is necessary to determine the meaning of "such person, if living" in order to ascertain whether "person" refers to one individual or more.

According to law, when the singular of the term "person" is described, such word importing the singular number shall be understood to include and to apply to several persons or parties as well as to 1 person or party. N.J.S.A. 1:1-2.

Further, an examination of the insurance policy issued to the Board of Trustees of the Public Employees' Retirement System of New Jersey by the Prudential Insurance Company of America, which policy is the group policy covering individual members of the Public Employees' Retirement System, reveals that the statutory language referred to above has been taken from this policy. There is contained within this group insurance policy a section entitled "Beneficiary." The first paragraph contains language identical with the above cited sections of the Public Employees' Retirement System—Social Security Integration Act, N.J.S.A. 43:15A-6 et seq. The third paragraph of said section contains the following language:

"If more than one Beneficiary is designated and in such designation the insured individual has failed to specify their respective interests, the Beneficiaries shall share equally. If any designated Beneficiary predeceases the insured individual, the interest of such Beneficiary shall terminate and shall be shared equally by such of the Beneficiaries as survive the insured individual, unless the insured individual has made written request to the contrary in his Beneficiary designation."

Thus, it can be seen that it was contemplated that a member might designate more than one individual as a beneficiary of his life insurance benefits or there would have been no need for paragraph three.

Since the Legislature in enacting the insurance provisions of the Public Employees' Retirement System—Social Security Integration Act was aware of the insurance agreement between the Board of Trustees of the Public Employees' Re-

tirement System and the Prudential Insurance Company of America and adopted the language of said policy within these insurance provisions, the interpretation of the word person should be consistent with that intended by both the Board of Trustees of the Public Employees' Retirement System and the Prudential Insurance Company. Resort may be had to contemporaneous constructions of statutory provisions to ascertain the meaning of technical terms or to explain a doubtful or obscurely expressed phrase. *Lloyd v. Vermeulen*, 22 N.J. 200 (1956); *Suburban Electric Co. v. City of Elizabeth*, 59 N.J.L. 134 (Sup. Ct. 1896).

For the foregoing reasons, it is our opinion that more than one individual may be designated as a beneficiary under a life insurance policy.

With regard to the second question, a beneficiary designation which provided for distribution to the unnamed children of a deceased beneficiary would not be acceptable. The terms of N.J.S.A. 43:15A-41(c) are clear. The requirement imposed upon the member is to "nominate" beneficiaries. The import of such a term is to name an actual person. Additionally, in Memorandum Opinion, dated June 20, 1956, by former Deputy Attorney General Lawrence E. Stern, addressed to George M. Borden, which opinion interpreted the provisions of N.J.S.A. 43:15A-41(c), *supra*, it was concluded that this section contemplated as designees living persons only. Although this opinion dealt with the question of whether a corporation or charitable organization could be designated as a beneficiary rather than the question of unnamed beneficiaries, the same reasoning may logically be applied to the question presently under discussion. In determining that neither a corporation nor charitable organization could be designated, the opinion pointed out that a serious administrative burden would result if the agency were required to check the propriety of various legal documents pertaining to the status of such corporation or charitable organization.

The same principles apply here. We are of the opinion that the Legislature did not contemplate that each designation of unnamed children of deceased beneficiaries had to be checked by the agency to determine the existence or whereabouts of such persons.

Very truly yours,

DAVID D. FURMAN  
*Attorney General*

By: JUNE STRELECKI  
*Deputy Attorney General*