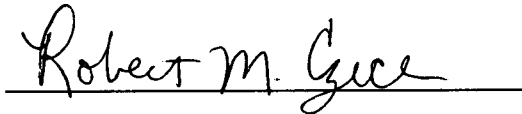




Re: Jeff Knitowski

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
NOVEMBER 10, 2016

A handwritten signature in cursive script that reads "Robert M. Czech". The signature is written in black ink and is positioned above a solid horizontal line.

Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
Assistant Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Unit H  
P. O. Box 312  
Trenton, New Jersey 08625-0312

Attachment



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. CSV 04714-15

AGENCY DKT. NO. 2015-2705

**IN THE MATTER OF JEFF KNITOWSKI,  
MIDDLESEX VICINAGE.**

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**Annamarie Pinarski, Esq., for appellant (Weissman & Mintz, attorneys)**

**Susanna Morris, Esq., for respondent (State of New Jersey Judiciary, Middlesex  
Vicinage, attorney)**

Record Closed: February 12, 2016

Decided: August 11, 2016

**BEFORE EVELYN J. MAROSE, ALJ:**

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

On April 22, 2014, a Preliminary Notice of Disciplinary Action (PNDA) was issued against petitioner, Jeff Knitowski (Knitowski), who was charged with (1) conduct unbecoming a public employee pursuant to N.J.A.C. 4A:2-2.3(6)(a); (2) discrimination that affects equal employment including sexual harassment pursuant to N.J.A.C. 4A:2-2.3(9)(a); and (3) other sufficient cause—violation of the State of New Jersey Judiciary Workplace Violence Policy and the Code of Conduct for the Judiciary pursuant to N.J.A.C. 4A:2-2.3(11)(a). The PNDA stated that on November 25, 2013, and November 26, 2013, Knitowski engaged in inappropriate conduct consisting of sexually harassing

behavior towards Courtney Klee; inappropriate comments made to Courtney Klee, Monica Christensen, Michelle Burman, and Steve McMullen; and shoving Linva Lewis and Ellen Cribbin. The PNDA further stated that Knitowski engaged in actions that caused Marina Perez to feel threatened and concerned about her physical safety; that he initiated physical conduct against Darren Riley, including shoving, grabbing, and kicking him; and that he engaged in a physical altercation with Bally's security staff. The Superior Court of New Jersey Middlesex Vicinage (Middlesex Vicinage) asserted that the conduct occurred at an extension of his workplace, since the conduct occurred at a Judiciary-sponsored conference, even though Knitowski was on his own leave time.

Hearings were conducted on July 22, 2014, September 22, 2014, September 29, 2014, October 23, 2014, October 24, 2014, and November 19, 2014. The sustained charges were conduct unbecoming a public employee and discrimination that affects equal employment including sexual harassment. A Final Notice of Disciplinary Action (FNDA) was issued on March 27, 2015, which provided that Knitowski was removed effective March 25, 2015

On March 30, 2015, Knitowski filed an appeal. Pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13, the matter was transmitted to the Office of Administrative Law (OAL) on April 7, 2015. Hearings were held on October 27, 2015, October 28, 2015, and October 30, 2015. The record closed on February 12, 2016, upon the receipt of written summations. Due to a voluminous caseload, the time for the issuance of this Initial Decision was extended until August 11, 2016.

### **FACTUAL DISCUSSION AND FINDINGS**

Based upon a review of the stipulations of the parties, the testimony, and the documentary evidence presented, and having had the opportunity to observe the demeanor and assess the credibility of the witnesses, I **FIND** the following pertinent **FACTS**:

Knitowski began his employment with the State of New Jersey Judiciary, Middlesex Vicinage on November 6, 2000, as an Investigator. The Investigator title is

represented by The New Jersey AFL-CIO Judiciary Council of Affiliated Unions. During Knitowski's term of employment he never held the title of Probation Officer, and was never a member of the Probation Association of New Jersey Union.

In April of 2013, Knitowski was provided with a copy of the Judiciary's EEO/AA and Antidiscrimination Policy (Policy) and Employee Guide on the Complaint Process (Guide). On April 15, 2013, Knitowski certified that he read the Policy and Guide. Prior to November 25, 2013, Knitowski received training from the Vicinage EEO/AA Officer, Lawrence Bethea, concerning the Judiciary's EEO/AA Policy.

Beginning on November 25, 2013, and continuing through November 27, 2013, the Probation Association of New Jersey Union (PANJ) held its annual conference at Bally's Hotel and Casino in Atlantic City. Each probation officer attending the conference was given an ID badge indicating the person's name, county, and unit where they worked.

The primary purpose of the PANJ annual conference is to provide educational training to probation officers and supervisors. The training is provided by Judiciary staff, including division managers as well as outside vendors. The Judiciary provides a partial reimbursement of each probation officer's registration fee and provides that the probation officers can attend the conference without having to use vacation or alternate leave time. Accordingly, the PANJ annual conference was a Judiciary-sponsored event and the conduct of those who attended events related to the conference reflected upon the individuals as employees of the Judiciary.

On the evening of November 26, 2013, as part of the conference activities, PANJ held a dinner party. Later that evening, PANJ maintained a hospitality suite for conference attendees who preferred not to gamble, but who wanted to network with their peers. Knitowski, who was not registered for the PANJ conference, but was in Atlantic City on the days of the PANJ conference, paid \$15 to attend the dinner party. Prior to arriving at the dinner party, he had more than ten drinks, a combination of mixed drinks and beer at various casinos along the Boardwalk. At the dinner party, he had

four or five more drinks. After the dinner party, he went to the PANJ hospitality suite and continued to drink.

The hospitality suite was crowded with probation officers. Knitowski approached a group of probation officers from the Ocean Vicinage. The officers sitting together at the table included Kathleen Cullen, Monica Christensen, Courtney Klee, and Nicole Lien. Despite not knowing the women, Knitowski repeatedly asked them personal questions including if they had a boyfriend, girlfriend, fiancé, spouse or child, and regarding their living arrangements. At one point, Knitowski stood behind the chair of Courtney Klee and made a silhouette outline of her body with his hands and then thrusting motion with his pelvic region. The women probation officers told Knitowski to knock it off and get going, but Knitowski did not leave their table.

After observing Knitowski's unsteady manner on his feet, which appeared to indicate that he was intoxicated, and hearing some of his conversation with the women officers, Stephen McCullen (McCullen), a male Senior Program Officer also from the Ocean Vicinage, asked Knitowski to leave. Knitowski responded in a loud excited tone, "What the fuck are you going to do? I have been disciplined many times. Unions have no balls." After Stephen McCullen again asked him to leave, Knitowski walked away and left the suite.

However, shortly thereafter Knitowski returned to the hospitality suite, walked directly to McCullen and aggressively questioned McCullen saying "Who the fuck do you think you are, throwing me out? You better do a better job throwing people out, asshole." Observing the commotion, Senior Probation Officer Linval Lewis (Lewis), Probation Officer Larren Riley (Riley), and Probation Officer and Vice President of the Probation Association Ellen Cribbin (Cribbin) moved to where McCullen and Knitowski were standing hoping to calm down the situation. Instead of calming down, Knitowski began to yell and curse at Lewis, Riley, and Cribbin, calling them "fat fucks" and "bitches," and yelling that, "They didn't know anything that they were talking about." The altercation became physical, with stumbling and body touching that caused Riley's elbow to strike Cribbin's chin. Knitowski was then escorted out of the room. As he was

being walked out and while in the elevator Knitowski continued to yell that the probation officers were “fat fucks.”

After Knitowski was escorted out of the hospitality suite, he gambled for an hour or so, and had more alcohol to drink. He then went to the Wild West Bar, which was located within Bally’s Hotel and Casino and sat at a table with probation officers from the Middlesex Vicinage. At about the same time, a group of probation officers from the Monmouth Vicinage also went to the Wild West Bar including Senior Probation Officer Kimberly Sunris (Sunris), Senior Probation Officer Marina Perez (Perez), Senior Probation Officer Michele Berman (Berman), Probation Officer Timothy Campbell (Campbell), and Riley.

Knitowski began to loudly belittle Berman, saying that he felt bad for her husband, if she had one, or for her boyfriend if she didn’t have a husband. Hearing the belittling, Sunris suggested that Berman walk away from Knitowski, which Berman did. Instead of staying at the table where the Middlesex Vicinage Probation Officers were seated, Knitowski followed Berman to the table where the Monmouth probation officers were seated and continued to belittle Berman with a comment regarding her marital status, saying that, “It was no fucking surprise that she was not married.” Perez eventually turned to Knitowski and said, “Do yourself a favor and get out of here. You’re drunk.” Knitowski didn’t leave. Instead he aggressively stepped toward Perez saying, “Oh now the pretty girl wants to say something.” Knitowski’s actions and loud comments alarmed Riley, who went over and stood between Knitowski and Perez, saying, “Come on. Let’s calm down.” Instead of calming down, Knitowski went to push Riley, saying “Who the fuck are you?” Another physical altercation occurred, with Knitowski going to push Riley, Riley holding Knitowski’s shirt, and Knitowski falling on his back and kicking his feet at Riley.

Security for the casino/bar surrounded Riley and Knitowski. Knitowski continued to yell profanities. Police were summoned to the bar.<sup>1</sup>

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<sup>1</sup> Both Riley and Knitowski received summonses for disorderly persons offenses from the Atlantic City Police Department, which were later dismissed in municipal court for a procedural defect.

Knitowski again returned to the casino, where he ran into Riley, who was on a telephone call with his wife on one of the casino stairs. Knitowski again began cursing, addressing Riley as "this fucking guy." Riley ignored Knitowski's rantings. Then Knitowski began to scream inappropriate comments at the casino staff, saying that he wanted to get out of the casino, where he could not stay another second. With a police escort he obtained his personal belongings from his room.

The next morning, Tuesday November 27, 2013, Riley told Cribbin, the Vice-President of the Probation Association, what had occurred at the Wild West Bar. Cribbin advised Riley that he should see the Monmouth Vicinage Trial Court Administrator (TCA) and tell him what had happened in order to be in compliance with the Judiciary policy, which required that employees report to management any involvement in criminal or quasi-criminal matter. Cribbin offered to accompany him to see the TCA. She also said that it would be better for the TCA to hear about the events first from Riley.

Eventually, all of the employees of the Monmouth Vicinage who witnessed Knitowski's behavior provided statements regarding what they witnessed. Since employees of three different Vicinages were involved or witnessed the incidents, David Yi, Esq. (Attorney Yi) of the Administrative Office of the Courts was appointed to conduct an investigation. Attorney Yi reviewed all the statements of the employees from the Monmouth Vicinage and spoke to all of the Monmouth Vicinage employees individually. He also spoke to the Ocean Vicinage employees who had been in the hospitality suite, prepared statements based upon the information that they provided to him, and provided the draft statements to the employee for their review and signature.

Attorney Yi interviewed Knitowski in February 2014 and April 2014 (after the dismissal of the municipal court matter). Knitowski alleged that he was unable to recall much of what occurred the evening in question due to the amount of alcohol that he drank. Despite his alleged lack of memory, he denied making any inappropriate or sexually charged comments or gestures to any person in the hospitality suit. He denied having any physical altercation with any individual, including Lewis or McCullen, in the hospitality suite. He asserted that it was Riley who was the instigator of a confrontation



at the Wild West Bar, saying that it was Riley who got between him and another person that he was speaking to and put his hands on him. Knitowski claimed that, only in response to Riley's gesture, did he shove Riley.

At the time of the OAL hearing, Knitowski again stated that he did not have clear and distinct memories of the evening at issue since he "drank a lot that day." Knitowski remembered drinking and working his way down the boardwalk, attending the dinner dance, attending a party in the hospitality suite, and being at the Wild West Bar. At the hospitality suite, he remembered talking to some women, but not making an appropriate gesture behind one of them. He remembered being asked to leave the hospitality suite, his initial negative reaction, and then voluntarily leaving the suite. He did not remember returning to the suite. Knitowski remembered talking to some people from the Middlesex Vicinage, but not to Berman or Perez, whose testimony he had heard at the OAL. He remembered speaking to Riley and asserted that when Riley put his hand on his arm it startled him and he reacted by shoving Riley. He remembered falling on his side and kicking his feet, like he was peddling a bike. He did not remember any words being exchanged between the two. When casino security took him into the back he remembers shouting profanities at them and security shouting back at him. At the OAL Hearing, Knitowski also remembers being thrown against the wall by security when he got up and attempted to leave. His head hit the wall and blood came out of his nose. He remembered going to the hospital next to the casino and then returning to the casino, where he remembered being obnoxious, yelling that he wanted to get out of the casino and security showing up to escort him out. He did not recall seeing Riley after casino security came. He knows that he ended up sleeping on the beach. After driving back home the next day, he went to his Supervisor, Sandra Eric, and asked for an incident form, which he completed and submitted to his TCA. When Investigator Yi questioned him about the details of the incidents that occurred that evening, he was shocked. Knitowski said he did not remember the incidents, no less the details. After hearing the testimony of the witnesses at the OAL Hearing, Knitowski realizes how intoxicated he must have been that day. He also does not believe that Riley instigated an altercation or that he was aggressive toward him.

Knitowski said that he would like “one more chance” and hope to get his job back. He does not believe the incidents that day affected his abilities to perform his duties. In fact, since that incident, he believes that he processed e-mail requests from Perez, one of the women with whom he interacted that night, without incident. After hearing the testimony given at the departmental hearing, he was convinced that his drinking was out of control. He took responsibility and has not drunk alcohol since December 2014.

A careful analysis of credibility is necessary in order to make critical findings of fact. For testimony to be believed, it must not only come from the mouth of a credible witness, but it also has to be credible in itself. “[T]he interest, motive, bias, or prejudice of a witness may affect his credibility and justify the . . . [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony.” State v. Salimone, 19 N.J. Super. 600, 608 (App. Div. 1952), certif. denied, 10 N.J. 316 (1952) (citation omitted). A credibility determination requires an overall assessment of the witness’s story in light of its rationality, internal consistency and the manner in which it “hangs together” with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963).

Ten probation officers with various years of experience and assignments testified at the hearing, including officers from Ocean and Monmouth Vicinages. While their testimony was not identical, it was rationally consistent and “hung together” with consideration of all testimony and documentary evidence.

In contrast, nearer to the incidents at issue, when Investigator Yi was interviewing Knitowski he had no memory of the evening but was willing to deny any wrongdoing. At the departmental hearings, Knitowski continued to deny any wrongdoing. At the OAL Hearing, he testified that he remembered that Riley was the aggressor in their altercation and said he was sorry that he had insisted to the contrary. As Knitowski stated himself, he is motivated to get his job back and wants one more chance.

## **LEGAL ANALYSIS AND CONCLUSIONS**

The sustained charges, in the Final Notice of Disciplinary Action (FNDA) issued on March 27, 2015, were conduct unbecoming a public employee and discrimination that affects equal employment including sexual harassment.

“There is no constitutional or statutory right to a government job.” State-Operated Sch. Dist. of Newark v. Gaines, 309 N.J. Super. 327, 334 (App. Div. 1998). The burden of persuasion is on the agency in enforcement proceedings to prove violation(s) of administrative regulations. Cumberland Farms v. Moffett, 218 N.J. Super. 331, 341 (App. Div. 1987). The appointing agency must prove its case by the preponderance of the credible evidence. Atkinson v. Parsekian, 37 N.J. 143 (1962). Preponderance may be described as the greater weight of credible evidence in the case, not necessarily dependent on the number of witnesses. State v. Lewis, 67 N.J. 47 (1975). The evidence must be such as to lead a reasonably cautious mind to a given conclusion. Bornstein v. Metro. Bottling Co., 26 N.J. 263 (1958). Further, appellant, a law enforcement officer, is held to a higher standard of conduct. Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965).

“Conduct unbecoming a public employee” is an elastic phrase, which encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained of conduct and its attending circumstances “be such as to offend publicly accepted standards of decency.” Karins, supra, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). Such misconduct need not necessarily “be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” Hartmann v. Police Dep’t of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep’t of Civil Serv., 17 N.J. 419, 429 (1955)). It is well settled that public employees are expected to exhibit appropriate behavior, both on and off the job, in order to protect a

positive image to the public that they serve and the taxpayers who fund their positions. Any conduct that serves to diminish the public trust in the integrity of its employees is intolerable. In re Green, DOP Dkt. No. 2006-286, 2006 N.J. Agen Lexis 632, (June 22, 2006).

Knitowski's own words are telling. Though Knitowski had already consumed some ten drinks pre-dinner and some five drinks at the dinner, he continued to drink to excess at the hospitality suite and later at a casino bar where his behavior was consistently described as loud, obnoxious, combative, sexually discriminatory, and hostile.

Knitowski repeatedly failed to comply with the reasonable requests of the probation officers with whom he interacted who requested that he remove himself from a scene where he was acting improperly. When the officers first peacefully escorted him out of the hospitality suite, he returned only to cause further trouble by walking directly to the probation officer who had peacefully escorted him, yelling and cursing. After he was involuntarily removed again, he did not cease his inappropriate behavior, but went to a casino bar where he again became involved in an altercation with a probation conference attendee. His inappropriate behavior continued when casino security arrived at the scene, when the Atlantic City Police arrived at the scene, with casino staff when he was checking out of the hotel and when he again met a probation officer on a stairway making a telephone call.

As to discrimination that affects equal employment including sexual harassment, in April of 2013, Knitowski was provided with a copy of the Judiciary's EEO/AA and Antidiscrimination Policy (Policy) and Employee Guide on the Complaint Process (Guide). On April 15, 2013, Knitowski certified that he read the Policy and Guide. Prior to November 25, 2013, Knitowski received training from the Vicinage EEO/AA Officer, Lawrence Bethea, concerning the Judiciary's EEO/AA Policy. The Guide expressly informed Knitowski that sexual harassment would not be tolerated whether it is practiced by judges, employees, or non-employees against court employees, attorneys, litigants, witnesses, or others who come into contact with the court system. Sexual

harassment was illegal, an abuse of authority and, if engaged in by a Judiciary employee, would be deemed to constitute misconduct.

The Guide further noted that the Judiciary prohibits all forms of unlawful bias, harassment, and discrimination in all of its operations, including humiliating or degrading jokes, insults or comments about one's race, creed, color, national origin/nationality, ancestry, religion, age, disability or perceived disability, sex, gender identity or expression, affectional or sexual orientation, or any other unlawful criteria. Harassment, coercion or intimidation of any individual based on these or other unlawful criteria is strictly forbidden. This prohibition extends to workplace management, all aspects of employment practices, the processing and adjudication of cases, all programs, services and activities of the Judiciary. Judges, managers, and supervisors are to take all necessary steps to ensure that each employee's work environment is free of all forms of unlawful bias, harassment, and discrimination. Appropriate actions, up to and including discharge, will be taken against individuals who do not adhere to this policy.

At the hospitality suite, crowded with probation officers, Knitowski approached a group of probation officers from the Ocean Vicinage. Despite not knowing the women, Knitowski repeatedly asked them personal questions including if they had a boyfriend, girlfriend, fiancé, spouse or child, and regarding their living arrangements. At one point, Knitowski stood behind the chair of one of the women and made a silhouette outline of her body with his hands and then thrusting motion with his pelvic region. At the Wild West Bar, Knitowski loudly belittled one of the women, saying that he felt bad for her husband, if she had one, or for her boyfriend if she didn't have a husband. When the woman left that table and went to another table, Knitowski followed her and continued to belittle her with a comment regarding her marital status, saying that, "It was no fucking surprise that she was not married."

In accordance with the foregoing I **CONCLUDE** that the charges of conduct unbecoming a public employee and discrimination that affects equal employment including sexual harassment have been proven a preponderance of the credible evidence. N.J.A.C. 4A:2-2.3 6(a). N.J.A.C. 4A:2-2.3 9(a).

## PENALTY

A system of progressive discipline has evolved in New Jersey to serve the goals of providing employees with job security and protecting them from arbitrary employment decisions. The concept of progressive discipline is related to an employee's past record. The use of progressive discipline benefits employees and is strongly encouraged. The core of this concept is the nature, number and proximity of prior disciplinary infractions, evaluated by progressively increasing penalties. Thus, when determining the appropriate penalty, the City must consider the employee's prior disciplinary actions. West New York v. Bock, 38 N.J. 500, 523 (1962).

Prior to the incident at issue, Knitowski received several disciplines, including the following:

- a.) In June 2004, he received a written reprimand for failure to perform, insubordination, conduct unbecoming a judiciary employee, and neglect of duty.
- b.) In December 2004, he received a one-day suspension for insubordination and neglect of duty.
- c.) In February 2005, he received a two-day suspension for excessive lateness.
- d.) In July 2007, he received a three-day suspension for conduct unbecoming a public employee.
- e.) In April 2010, he received a four-day suspension for neglect of duty.
- f.) In November 2013, he received a fifteen-day suspension for neglect of duty and failure to perform.
- g.) In April 2014, he received a thirty-day suspension for neglect of duty.

Thus, Knitowski received a major discipline the same month of the very actions upon which these charges are based. In addition, the following year in April 2014, he received another major discipline for neglect of duty. Further, on two other occasions, once in June 2004 and once in July 2007, charges of conduct unbecoming a public employee were sustained.

As argued by the Middlesex Vicinage, Knitowski's horrendous conduct on November 26 and 27, 2013, has done more than offend members of the public and fellow State employees. It has resulted in a permanent mark against the career of a fellow State employee. As a result of Knitowski's altercation with Riley, both men were arrested. Riley has had to explain the arrest on two applications for new jobs to date and will likely have to explain it again and again since it is part of his history. The very fact that the arrest occurred may make Riley a less desirable candidate than another applicant. The fact that Knitowski acknowledged when he testified at the hearing that he realizes that Riley was not acting aggressively toward him will not eliminate or reduce the damage Knitowski's actions caused Riley.

As noted by the Vicinage Chief Probation Officer, Knitowski had numerous opportunities to stop his egregious behavior and walk away from the altercations that he caused. He failed to do so. Perhaps, Knitowski's attitude of disrespect for his job and colleagues is best summed up by his own comments that evening to his judiciary colleagues, "What the fuck are you going to do?' I have been disciplined many times. Unions have no balls." While Knitowski's present representation that he has stopped drinking alcohol is noted to be commendable, it does not erase or excuse his actions or justify reduction of the discipline issued by the Judiciary as commensurate with the seriousness of Knitowski's actions on November 26, 2013, and November 27, 2013. I **CONCLUDE** that termination of Knitowski effective March 25, 2015, was an appropriate discipline.

### **ORDER**

It is **ORDERED** that the charge of conduct unbecoming a public employee pursuant to N.J.A.C. 4A:2-2.3(6)(a) is **AFFIRMED**; and

It is further **ORDERED** that the charge of discrimination that affects equal employment including sexual harassment pursuant to N.J.A.C. 4A:2-2.3(9)(a) is **AFFIRMED**; and

It is further **ORDERED** that the penalty imposed by the appointing authority terminating appellant be **AFFIRMED**.

I hereby **FILE** my Initial Decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, P.O. Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

August 11, 2016

DATE

Date Received at Agency:

Date Mailed to Parties:

sej



EVELYN J. MAROSE, ALJ

August 11, 2016



DIRECTOR AND  
CHIEF ADMINISTRATIVE LAW JUDGE

AUG 15 2016



**APPENDIX**

**WITNESSES**

**For Appellant:**

Jeff Knitowski, Investigator Middlesex County

**For Respondent:**

Ellen Cribbin, Probation Officer, Vice President of Line Staff, Probation Association of New Jersey

Kathleen Cullen, Probation Officer, Ocean Vicinage

Monica Christensen, Probation Officer, Ocean Vicinage

Stephen McMullen, Senior Probation Officer, Ocean Vicinage and President of Local 106 of the Probation Officers' Association in Ocean County

Larren Riley, Probation Officer, Monmouth Vicinage

Kimberly Sunris, Senior Probation Officer, Monmouth Vicinage

Courtney Klee, Probation Officer, Ocean Vicinage

Marina Perez, Senior Probation Officer, Monmouth Vicinage

Michele Berman, Senior Probation Officer, Monmouth Vicinage

Kia Williams, Probation Officer Monmouth Vicinage

David Yi, Esq., Attorney One, Human Resources Labor and Employment, The State of New Jersey Judiciary

Kathie Defuria, Chief Probation Officer, The State of New Jersey Judiciary

**EXHIBITS**

**For Knitowski:**

None

**For Middlesex Vicinage:**

R-1 E-mail from Ellen Cribbin to Dawn Materia, dated 11/27/13

R-2 Statement of Courtney Klee, dated 3/9/14

R-3 Statement of Monica Christensen, dated 3/19/14

R-4 Statement of Nicole Lien, dated 3/19/14

- R-5 E-mail from Ellen Cribbin to Dawn Materia, dated 12/3/13, forwarding statements from Linval Lewis and Stephen Mullen
- R-6 Statement of Stephen McMullen, dated 3/20/14
- R-7 Statement of Larren Riley, dated 11/27/13
- R-8 Statement of Kathleen Cullen, undated
- R-9 E-mail from Ellen Cribbin to Dawn Materia, dated 11/27/13
- R-10 Statement of Kia Williams, undated
- R-11 Statement of Michele Berman, dated 11/28/13
- R-12 Statement of Kim Sunris, dated 11/27/13
- R-13 E-mail from Ellen Cribbin to Larren Riley, dated 12/4/13 forwarding the e-mail of Linval Lewis, dated 11/27/13
- R-14 E-mail from Timothy Campbell to Larren Riley, dated 11/27/13
- R-15 Investigation Report Concerning Larren Riley and Knitowski (without attachments
- R-16 Atlantic City Police Report
- R-17 Revised Judiciary Policy Statement on Equal Employment Opportunity and Affirmative Action and Anti-Discrimination
- R-18 Not admitted into evidence
- R-19 Not admitted into evidence
- R-20 Not admitted into evidence
- R-21 Not admitted into evidence
- R-22 FNDA, dated 3/27/15
- R-23 List of prior Discipline