



STATE OF NEW JERSEY

In the Matters of Eugene Royster and  
Kate Blaszkowski  
Burlington County

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC DKT. NOS. 2018-1003 & 2018-1000  
OAL DKT. NOS. CSR 15059-17 & 15060-17  
(Consolidated)

ISSUED: APRIL 6, 2018

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The appeals of Eugene Royster and Kate Blaszkowski, County Correction Officers, Burlington County, removals effective September 4, 2017 and August 30, 2017, respectively, on charges, were heard by Administrative Law Judge Jeff S. Masin, who rendered his consolidated initial decision on February 6, 2018. Exceptions were filed on behalf of the appellant and a reply to exceptions was filed on behalf of the appointing authority.

Having considered the record and the Administrative Law Judge's initial decision, as well as having carefully considered the exceptions and reply to exceptions filed by the parties and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of April 4, 2018, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellants was justified. The Commission therefore affirms those actions and dismisses the appeals of Eugene Royster and Kate Blaszkowski.

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  
THE 4<sup>th</sup> DAY OF APRIL, 2018



Deirdre L. Webster Cobb  
Acting Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
P. O. Box 312  
Trenton, New Jersey 08625-0312

Attachment



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

**IN THE MATTER OF EUGENE R.  
ROYSTER AND KATE E. BLASZKOWSKI,  
BURLINGTON COUNTY.**

**INITIAL DECISION**

OAL DKT. NOS. CSR 15059-17  
AND CSR 15060-17

**(CONSOLIDATED)**

Agency DKT. NO. 2018-1003  
Agency DKT. NO. 2018-1000

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**Mark W. Catanzaro, Esq., for appellants Eugene R. Royster and Kate E.  
Blaszkowski (Law Offices of Mark W. Catanzaro, attorney)**

**Andrew C. Rimol, Esq., for respondent Burlington County (Capehart and  
Scatchard, attorneys)**

Record Closed: January 22, 2018

Decided: February 6, 2018

**BEFORE JEFF S. MASIN, ALJ t/a:**

Burlington County employed two corrections officers, Eugene R. Royster and Kate E. Blaszkowski. On two dates in 2017, June 3 and July 1, each of these officers admittedly did not perform required periodic tours of I Wing, the section of the Burlington County Detention Center ("jail") to which they were each assigned. Despite their not having performed these inspections, each officer documented that they had performed the inspections in the jail log. As a result of an examination of video recordings made of I Wing, which resulted from a request made by the attorney for another officer facing disciplinary action in an unrelated matter, the fact that Officers Royster and Blaszkowski had failed to perform these inspections came to light. Each officer was then charged in

two separate Preliminary Notices of Disciplinary Action (PNDA) with violations of the New Jersey Administrative Code, as well as violation of various internal policies, one notice apiece for each officer for June 3 and July 1. Following departmental hearings each officer was dismissed from service, as documented in Final Notices of Disciplinary Action (FNDA). Each filed a separate appeal with both the Civil Service Commission and the New Jersey Office of Administrative Law (OAL). These separate appeals were each assigned to this judge. Following a conference with counsel it was determined the cases would be tried sequentially. Although at first it was not clear that they should be consolidated, following completion of the hearings on both cases, which were held on January 17, 2018, it became clear that the facts and legal issues were essentially the same. As a result, an order consolidating the matters is issued in conjunction with this initial decision.

The specific violations each officer was charged with were the same. The County asserts that each officer violated N.J.A.C. 4A:2-2.3(1), incompetency, inefficiency or failure to perform duties; (3), inability to perform duties; (6) conduct unbecoming a public employee; (7) neglect of duty; and (12) other sufficient cause. This latter charge alleges violations of Policy and Procedures Manual sections 1007, 1023, 1030, 1031, 1038, 1065, 1066, 1172, 1190, 1192 and 1250. The specific provisions in each of these sections will be examined later in this opinion. It should be noted here that during this hearing, the County advised that it was not pursuing the charge of any violation of Policy 1192 against either officer.

As noted, neither officer denies the charge that they did not perform the specific inspections set forth in the specifications contained in each of their PNDAs. Each received two such documents, one for the violations on June 3, 2017, the other for the violations on July 1, 2017. More specifically, the review of recordings conducted by Captain McDonnell showed that Officer Royster failed to conduct required security tours on the 0600-1800 shift on June 3, 2017, at 0730, 1000 and 1030. He entered "false or misleading entries into the official logbook by documenting these security tours" when in fact he had not performed them. Additionally, on July 1, 2017, Royster failed to perform

the required security tours at 0700, 0730, 0830, 1100 and 1130. However, in each instance he again entered "false or misleading entries into the official logbook by documenting" the security tours, even though he had not physically conducted them. Officer Blaszkowski was charged with exactly the same violations. In her case, on June 3, 2017, on the same 0600-1800 shift, she failed to conduct required security tours and falsified entries into the official logbook by documenting such tours as if they had occurred at 1233 and 1305, when she did not actually conduct physical inspections. On July 1, 2017, on the same tour, she again did not conduct required security tours, but she documented that she had done so at 1233 and 1305. According to Blaszkowski's testimony at the hearing, on each of these days she relieved an officer who was taking a meal break and it was during the time that she performed such relief duty that she failed to conduct the tours and yet documented that she had done so. In his testimony, Officer Royster explained that his failure to conduct the required inspections on each of the two dates arose from his becoming "comfortable" and he offered that he had "no excuse" for his failure to perform his duties. Officer Blaszkowski testified that, although she was aware of her obligation to physically walk her post on each of the days, she failed to do so because she had become "too relaxed."

Neither of these officers denies that they are guilty of failing to perform their required duties on the two days in question. However, they have appealed the appointing authority's decision to remove them from their positions, claiming that they have been subject to disparate treatment and have not been treated fairly with respect to the penalty imposed, or perhaps even in being charged with these violations. There are two bases for this claim. The first is that when Burlington County began its review of video recordings of the various wings of the institution, it first focused upon I Wing, where they were assigned, and where the unrelated incident from which the demand for the video review arose. However, shortly after Captain McDonnell reviewed the I Wing recordings and made note of the two officers' failure to perform their tours, the attorney for the officer in the unrelated matter withdrew his demand for the recordings and the County stopped reviewing the video recordings. As a result, other officers assigned to other wings of the jail, who may have similarly failed to perform the required tours such

as these two failed to perform, were not identified, as the video recordings of the other wings of the institution were not reviewed. Additionally, the recordings showed that Sergeant Hernandez, also assigned to I Wing, and a lieutenant, also assigned to that wing, failed to perform their required inspection tours, and yet they were not disciplined. Further, the appellants point to a decision of the Civil Service Commission involving a Mercer County corrections officer found guilty of the same offenses, who was only given a forty-five-day suspension by the appointing authority, a suspension which was upheld by the Civil Service Commission and then affirmed by the Appellate Division, In the Matter of Nolan Cox, Mercer County Department of Public Safety. Thus, these long-term officers, whose prior disciplinary records include no sanctions for performance but only attendance issues, see their removal as constituting excessive punishment for these violations.

Matthew S. Leith, a Corrections Administrative Captain at the Burlington County Jail, testified as to the importance of the periodic tours that officers such as Royster and Blaszkowski are required to undertake during their time assigned to a wing, such as I Wing in the case of the two dates on which they failed to do so. I Wing consisted of five cells containing a total of fourteen bunks. The Wing is used for persons newly admitted to the Detention Center. An officer assigned to the Wing sits at a desk, but is unable to see into each of the cells and observe all of the bunks unless the officer physically moves along the Wing to make such observations. The control booth officer who opens the doors to the Wing from that officer's booth cannot see inside all of the cells either. The walking inspection of the cells and the inmates in them allows the officers to assure that the inmates are safe and secure, that they are not overdosing, that no suicide attempts are being made, and that the facility, and its inmates and corrections officers, are safe and secure. Captain Leith identified several policies and procedures of the Burlington County Detention Center that are applicable and which spell out the responsibilities of corrections officers, policies and procedures that the County charges these officers violated.

Policy and Procedure Section 1007 provides that officers are to listen for unusual sounds in cell blocks, observe for changes in noise levels, calls for help, detect unusual odors, prevent escapes and suicides, patrol cell block areas to check for safety and security hazards such as fires, smoke, broken pipes, windows, etc. This is all done in order to "protect the security and safety of the inmates and the institution."

Policy and Procedure Section 1012-1074 provides that officers are subject to discipline, including dismissal, for any violation of the policies and procedures. Policy 1023 specifically requires such compliance with the policies. Policy 1030 holds officers responsible for "the efficient performance of duties assigned and for the proper supervision of any inmate in his/her custody." Policy 1031 requires that officers "promptly obey any lawful order." Policy 1038 prohibits officers from acting in any manner that is to the officer's, or the Department's, discredit. Policy 1065 prohibits any officer from making "any false or misleading statements or written reports by intentional omission or misrepresentation of facts or information known to the officer." And Policy 1066 provides that "no officer shall . . . enter, in any official book or record, any false or misleading statements."

Policy 1172 specifically provides for the maintenance of logbooks, recording inmate movements, events and situations of special circumstances. Officers are trained in the use and maintenance of these logs. Section C. of this Policy provides that the logbook contain "Officer security/touring wing (30 min general security check)." In addition, officers providing relief, such as Blaszkowski did on June 3 and July 1, are "responsible for that post during such time as she is relieving and is responsible to make the appropriate entries into the logbooks . . . in her own handwriting." Section A.4. of this Policy provides: ". . . falsification of these documents will not be tolerated; offender(s) are subject to disciplinary action and/or criminal charges (Official Misconduct)."

Captain Leith noted that the jail's logbooks are legal documents. They are used for official purposes and can become evidence in legal proceedings (such as is the case in this matter).

Policy 1190 C. provides that "Security tours will be made approximately every thirty (30) minutes at irregular intervals. An accounting of inmates is also done during security tours, which enables the shift to accomplish the dual requirements of security and count procedures." Policy 1250, at page 4, paragraph 15, requires "routine tours of the entire tier or post" to be made "approximately every thirty (30) minutes. This duty requires the officer to physically walk around to make an inspection. The officer will document in the logbook when such duty was performed and note findings of each tour."

Receipts signed by each officer were entered as evidence confirming that they had received copies of the policies and procedures.

#### Discussion

In a Civil Service disciplinary action, the appointing authority bears the burden of establishing alleged violations of administrative code provisions that subject the employee to disciplinary sanction. Atkinson v. Parsekian, 37 N.J. 143, 149 (1962). The proof must be by a preponderance of the credible evidence. Matter of Polk, 90 N.J. 550 (1982).

In the current matter, each of the charged civil servants has readily acknowledged that on June 3 and July 1, each did not conduct required walking tour inspections of their assigned post on I Wing. Each did not do so and each admitted that he or she had falsified the logbook to make it appear that he or she had in fact performed the required tours. As such, neither Royster nor Blaszkowski denies their guilt. Each admits to neglecting their required assignment, on more than one occasion, each admits to failing to perform their duties, and each admits to falsifying the logbooks



with entries that made it appear that they had accomplished their mandated tours when they full well knew that they had not. In short, they lied when they entered these false representations in the logbooks for June 3 and July 1, 2017. By their own admission, both officers violated the several policies and procedures discussed above.

I **FIND** that Officer Eugene Royster did not perform the required walking inspection of I Wing on June 3, 2017. He made false entries in the log book to indicate that he had performed these inspections. On July 1, 2017, he failed to perform these required walking inspections at 0700, 0730, 0830, 1100 and 1130. Again, he made false entries in the logbook to show that he had performed the tours. I **CONCLUDE** that he violated N.J.A.C. 4A:2-2.3(a)(1), failure to perform duties; (3), inability to perform duties, in that he had an attitude of complacency that rendered him unable to motivate himself to perform as his duty required; (6) conduct unbecoming a public employee, in that he entered false information and neglected his vital duties in a correctional setting, acts that have the ability to undermine the public's trust in government and its employees and bring discredit to the institution, Karins v. Atlantic City, 152 N.J. 532, 557 (1998); (7) neglect of duty; and (12) other sufficient cause, in that he violated Policy and Procedures Manual Sections 1007, 1023, 1030, 1031, 1038, 1065, 1066, 1190 and 1250.

I **FIND** that on June 3, 2017, Officer Blaszkowski did not perform the required walking inspection of I Wing at 0931. She made a false entry to show that she had performed the tour. On July 1, 2017, she failed to perform the required walking tours at 1233 and 1305. Again, she made false entries in the logbook. I **CONCLUDE** that she violated N.J.A.C. 4A:2-2.3(a)(1), failure to perform duties; (3), inability to perform duties, in that she had an attitude of complacency that rendered her unable to motivate herself to perform as her duty as required; (6) conduct unbecoming a public employee, in that she entered false information and neglected her vital duties in a correctional setting, acts that have the ability to undermine the public's trust in government and its employees and bring discredit to the institution, Karins v. Atlantic City, 152 N.J. 532, 557 (1998); (7) neglect of duty; and (12) other sufficient cause, in that she violated

Policy and Procedures Manual Sections 1007, 1023, 1030, 1031, 1038, 1065, 1066, 1190 and 1250.

### Sanction

The appointing authority determined that the appellants should be terminated. Appellants argue that such a penalty is inappropriate. Each notes that they have no prior disciplinary history for performance-related issues. Additionally, each has served for a considerable time, Royster since March 2004, and Blaszkowski since March 2006.

As noted earlier, each officer points to In the Matter of Nolan Cox. Cox was a Mercer County corrections officer who was charged with misconduct for failing to perform the majority of the routine security checks in his assigned location during an overnight shift. Cox had been an officer for about twenty years. On February 27, 2012, he was assigned to a Pod during the overnight shift. Like the appellants, his responsibility was to patrol his unit at least once every thirty minutes and make a visual check to assure the safety and security of the inmates in this maximum security area. The required checks involved walking the unit. A review of the security footage showed that Cox had only performed three of his required security checks during his shift. Additionally, the logbook contained an entry next to each half-hour entry which read "all secure." This indicated that Cox had made the security checks, but the recordings showed that he had not. He was charged with violating procedures and falsifying the entries in the logbook. Cox had one prior major discipline, resulting in a ten-day suspension, and two subsequent reprimands. Cox explained that since it was a quiet night on the tier, he wrote "all secure" in the log book. He acknowledged that he had not made his rounds that night.

The appointing authority imposed a forty-five-day suspension for misconduct. On appeal, the ALJ dismissed the falsification charge as unproven and reduced the suspension to a five-day suspension, but the Civil Service Commission reinstated the falsification charge and imposed the forty-five-day suspension. The Appellate Division

affirmed the Board's final decision, noting the "substantial deference" it grants to agencies unless their decision is "arbitrary, capricious or unreasonable."

The appellants point to the Commission's decision in Cox to impose only a forty-five-day suspension as proof that Burlington County's decision to remove them cannot be justified. Indeed, counsel for the appellants note that the Commission could have imposed up to a six-month suspension on Cox had it deemed Mercer County to have been too lenient.

The proper penalty to be imposed when a corrections officer fails to perform required security checks, thereby neglecting his/her duty, has been the subject of consideration by the appellate courts on a number of occasions. The situation becomes more complicated when the neglectful officer also falsifies records. In Henry v. Rahway State Prison, 81 N.J. 571 (1980), the Commission reduced a penalty imposed on Henry from removal to a ninety-day suspension. He had falsified a report. On appeal, the Supreme Court reinstated the removal, determining that the Board had acted arbitrarily when it "failed to consider a relevant factor, namely, the seriousness of a single instance of a State corrections officer's falsification of a report," particularly in the context of a prison setting, "where order and discipline are necessary for safety and security." As the Court said, "The falsification of a report can disrupt and destroy order and discipline in a prison." Henry, at 580. In Matter of Warren and Sowa, 117 N.J. 295 (1989) ("Warren"), the Court considered an appeal of Warren's thirty-day suspension. The appointing authority had removed him, but the ALJ imposed only a thirty-day suspension. On appeal, the Appellate Division split over whether the Merit System Board (then the name of the current Civil Service Commission) had properly chosen to suspend, and not remove, him from his position as a corrections officer. As that court explained, there was some uncertainty as to the exact charges against Warren, for the Board had expressed concern as to whether the case was limited to neglect of duty or also involved falsification. In upholding the Appellate Division's majority opinion affirming the suspension, as opposed to the dissent which argued that removal should have been

imposed, the Supreme Court stated that in the context of the case, the penalty imposed by the Board was not arbitrary, capricious or unreasonable. However,

In the clearer context of a corrections officer's trial for intentional falsification of a report, there can be no doubt that the Board must consider this as an offense striking at the heart of discipline within the corrections system. Failure to accord due consideration to that factor in the prison setting would violate implied legislative policies regarding prison security.

[Warren, at 299].

In 2007, the Commission ruled in In the Matter of Jose Castillo, 2007 N.J. Agen Lexis 1027. Castillo had been charged with neglect of duty and falsification. The appointing authority removed him from service. On de novo review, the ALJ determined that he had performed the required security tours, although not at the times that he had entered in the logbook. While the ALJ dismissed the neglect charge, the Board concluded that he had neglected his duty when he failed to perform these tours at the required times, and also concurred that he had falsified the records. The ALJ had reduced the removal to a thirty-day suspension. However, the Board imposed a six-month suspension, the maximum suspension allowable. As the Board noted,

In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant's offense, the concept of progressive discipline, and the employee's prior record. George v. North Princeton Developmental Center, 96 N.J.A.R. 2d 463, 465 (CSV) 1996. Although the Board applies the concept of progressive discipline in determining the level and propriety of penalties, an individual's prior disciplinary history may be outweighed if the infraction at issue is of a serious nature. Henry v. Rahway, 81 N.J. 571, 580 (1980). It is settled that the theory of progressive discipline is not "a fixed and immutable rule to be followed without question." Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. See Carter v. Bordentown, 191 N.J. 474 (2007). Even when a law enforcement officer does not possess a prior disciplinary record after many unblemished years of employment, the seriousness of an offense may nevertheless warrant the penalty of removal where it is likely to

undermine the public trust. In this regard, the Board emphasizes that a law enforcement officer is held to a higher standard than a civilian public employee. See Moorestown v. Armstrong, 89 N.J. Super. 560 (App. Div. 1965), cert. denied, 47 N.J. 80 (1966). See also In re Phillips, 117 N.J. 567 (1990). In the instant matter, the Board emphasizes that the appellant is employed in a paramilitary setting and is charged with maintaining security, discipline and order in a correctional facility. The precise requirements of such a position are not mere technicalities but are established and must be adhered to in order to ensure the utmost security of the facility. The appellant's admitted failure to perform his duties in a timely manner and his falsification of official records are, indeed, egregious infractions, whether or not it has been established that grave consequences resulted.

Each disciplinary action must be assessed on its own facts, both as to issues of guilt and of penalty. As the cases surveyed show, and as no doubt others would also indicate, there is no fixed penalty that is always imposed when the charges involve corrections officers who neglect their assigned duty and falsify records in order to make it appear that they have performed the duty. In the present matter, two long-term employees with unblemished performance records (disregarding here attendance violations) both neglected their respective duties and compounded their wrongdoing when they falsified the logbooks. Thus each chose to ignore the need to walk the inspections, and faced with the fact that they not only had to physically do so, but also had to document the experience, they chose to lie in the written record. In the face of recordings that demonstrated their failures, each acknowledged their guilt. Unlike Mercer County, here Burlington County imposed the maximum penalty of removal. Unlike Officer Castillo, who performed at least some of his mandated tours but did not do so when he was required to and then falsified the record, on two separate dates each of these officers did not even conduct the tours. They were "comfortable," "relaxed." As the decisions have noted time and again, in a correctional setting, such attitudes fly in the face of the need to insure to the utmost the safety and security of inmates, officers and the public in general. And the falsification of records is especially "egregious," Castillo, and "stri[ke]s at the heart of discipline within the corrections system. Warren, at 299. While Cox may suggest some doubt as to how the Commission may view the seriousness of these charges, that decision provides no

reliable guide for the current case. In Cox, the appointing authority chose, for reasons that the record does not reveal, to suspend a neglectful and untruthful corrections officer for forty-five days. While acknowledging the seriousness of Cox's violations, the Board seems to have felt that given the appointing authority's stance on penalty, they would not upgrade the penalty, and it must be noted, given that the original penalty was a suspension, they could not have removed Cox on the de novo appeal. Had Mercer County removed Cox, or imposed a stiffer suspension, it seems clear enough the Commission would have affirmed that sanction.

The teachings of cases that understand the egregious nature of falsification, as well as the serious potential involved when corrections officer fail to perform their required inspections, are far more persuasive than the Cox decision. Here, the appellants each failed to perform several tours on two different dates, chalking their dereliction up to a "comfortable" and a "relaxed" attitude that in a prison setting is simply asking for trouble, and compounded their mischief by falsifying records that are important legal documents the need for reliability of which is obvious enough. Under these circumstances, despite the officers' good records, removal is fully warranted. Carter v. Bordentown, 191 N.J. 474 (2007).

As for the contention that these officers have been the victims of disparate treatment, there is no allegation that they were charged as a result of some invidious discrimination due to their race, sex, age, or other such classification. "Disparate treatment," which involves enforcement of the law "applied and administered by public authority with an evil eye and an unequal hand," State of New Jersey, Township of Pennsauken v. James Schad, 160 N.J. 156, 183 (1999), raises concerns of a "Constitutional" nature. However, both the United States Supreme Court and the New Jersey Supreme Court have limited claims of "disparate treatment" to situations involving differing treatment arising due to such distinctions. Oyler v. Boles, 368 U.S. 448 (1962); State of New Jersey, Township of Pennsauken v. James Schad, 160 N.J. 156, 183 (1999) ("The conscious exercise of some selectivity in enforcement is not a constitutional violation unless the decision to prosecute is based upon an unjustifiable

standard such as race, religion, or other arbitrary classification.” Schad, at 183.) As for the fact that other officers stationed on other wings may have escaped detection because the original reason for the video review that caught these appellants disappeared when the attorney who requested the review in respect to an unrelated case withdrew his request, these officers cannot expect to avoid the consequences of their misconduct on such a flimsy basis, characterized as “unfairness.” They are no different than the speeder caught by a radar device while others speed in the vicinity. Had the device been turned in a different direction, some other speeder might have been caught. That does not justify ignoring the inappropriate conduct of those detected in violation of the law. Finally, it is unclear exactly what the appointing authority understood about Sergeant Hernandez’s or a lieutenant-on-duty’s conduct vis-a-vis their own inspection requirements at the time in question. The appointing authority must assure that it treats the conduct of these personnel with the same concern as it has shown here for that of these appellants. The Commission may wish to inquire as to the matter. However, the guilt of Royster and Blaszkowski is clear and admitted, and they cannot use the uncertainty about others as an excuse to avoid their removal for the multiple violations of which they are surely guilty.<sup>1</sup>

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<sup>1</sup> As this decision was about to be issued, counsel for the appellants sent me a letter and documents concerning a 2014 disciplinary action by Burlington County against an Officer Cesaretti, who was charged with similar offenses as these appellants. The County entered into a Settlement Agreement in that case, under which the officer received a thirty-day suspension, fifteen days of which were to be held in abeyance. No information as to the factual circumstances involved in that case, or the reasons for the settlement, were provided. According to counsel’s letter, this 2014 proceeding was disclosed as a part of discovery in a pending civil service appeal now before Administrative Law Judge Ascione, In the Matter of Eric Warren, Burlington County, OAL Dkt. No. CSR 16796-17. The County terminated Warren for offenses which counsel for these appellants states involved “identical conduct” as that alleged against his clients. Counsel contends that the resolution of the Cesaretti matter highlights the “disparate treatment and fundamental[ly] unfair[ness]” involved in the County’s attempt to remove Royster and Blaszkowski. The Stipulation of Settlement entered into in Cesaretti states that it is not precedential for any other matter or any other employee matter that may proceed to the disciplinary process. There is no way to determine from what is before me what the reasons were for the County to settle as it did, such as whether there were evidence problems or other considerations that may have been in play. Be that as it may, that episode occurred at least four years ago. In responding to the late submission, counsel for Burlington County notes that a different administration was in place in 2014. He also notes that there are now pending additional such cases before other administrative law judges, involving the same type of violations.

By itself the information regarding the Cesaretti case says nothing about what should happen to miscreants doing the same things today. As noted, there is no legal basis alleged here for “disparate treatment” as that term is defined. As for the fairness argument, the comments set out above apply.

**IT IS HEREBY ORDERED** that the appeals filed by Officers Eugene R. Royster and Kate E. Blaszkowski be **DENIED** and they **BE REMOVED** from their positions as corrections officers. Officer Royster's removal is effective as of September 4, 2017. Officer Blaszkowski's removal is effective as of August 30, 2017.

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. 40A:14-204.

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Finally, in deciding a case before a judge or the Commission, the facts of the instant matter and the appropriate response to the violations proven must, in the first instance, govern the penalty to be imposed. If certain counties, at certain times, under differing administrations, have perhaps taken possibly lax account of the seriousness of the failure of corrections officers to perform their responsibilities, and perhaps more importantly to then lie about having done so, neither the ALJs hearing the appeals nor the Commission need approve such attitudes. The Supreme Court noted the very serious impact of these sort of violations, especially of the fabrications involved, in Henry. Nothing contained in the recent submission suggests a lesser penalty than that imposed in this decision. That said, it may be that the Commission, which has a broader view of the scope of disciplinary cases that come before it on appeal and presumably also an interest in how counties deal with disciplinary charges that do not reach the Commission, may see a need to consider whether there is a need for some additional guidance or directive regarding how matters involving these sort of charges need to be treated in order to assure a reasonable degree of certainty as to the way in which such discipline is imposed.



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, PO 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.



February 6, 2018

DATE

JEFF S. MASIN, ALJ t/a

Date Received at Agency:

2/6/18

Date Mailed to Parties:

2/6/18

mph

**WITNESSES:**

**For appellants:**

Eugene R. Royster  
Kate E. Blaszkowski

**For respondent:**

Matthew S. Leith

**EXHIBITS:**

**For appellants:**

- P-1 Not in evidence
- P-2 DVD
- P-3 Disciplinary History Key for Eugene Royster
- P-4 Disciplinary Key for Kate Blaszkowski

**For respondent:**

- R-1 E-mail dated July 14, 2017, McDonnell to Scholtz
- R-2 Logbook July 1, 2017
- R-3 Incident Report
- R-4 Preliminary Notice of Disciplinary Action, Royster, 7/27/17 for July 1, 2017
- R-5 E-mail dated July 27, 2017, McDonnell to Scholtz
- R-6 Logbook for June 3, 2017

- R-7 Preliminary Notice of Disciplinary Action, Royster, July 3, 2017 for June 3, 2017
- R-8 Incident Report
- R-9 Preliminary Notice of Disciplinary Action, Blaszkowski, July 27, 2017, for July 1, 2017
- R-10 E-mail dated July 27, 2017, McDonnell to Scholtz
- R-11 Preliminary Notice of Disciplinary Action, Blaszkowski, August 24, 2017 for June 3, 2017
- R-12 Preliminary Notice of Disciplinary Action, Blaszkowski, July 31, 2017 for June 3, 2017
- R-13 Policy 1007
- R-14 Policy 1012-1074
- R-15 Policy 1172
- R-16 Policy 1190
- R-17 Policy 1250
- R-18 Receipt for Policy Manual, Royster, dated September 27, 2012
- R-19 Receipt for Policy Manual, Blaszkowski, dated September 27, 2012
- R-20 Disciplinary History, Royster
- R-21 Disciplinary History, Blaszkowski