



STATE OF NEW JERSEY

In the Matter of Police Lieutenant
(PM4450C), Atlantic City

CSC Docket Nos. 2025-1862 and
2025-2455

**FINAL ADMINISTRATIVE ACTION
OF THE CHAIR/
CHIEF EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION**

Request for List Revival and Extension
and Request for Stay

ISSUED: July 11, 2025 (ABR)

Paul Aristizabal, Charles Miller, Christopher LoDico, Innocenzo Visceglia, Cristopher E. Cruse, Dave Shapiro and Robert Dessicino, represented by Lauren Sandy, Esq., request that the Police Lieutenant (PM4450C), Atlantic City list be revived and extended for an additional year, and they request a stay of appointments from the Police Lieutenant (PM3824F), Atlantic City promotional list.

By way of background, effective November 9, 2016, in accordance with *N.J.S.A. 52:27BBBB-1 et. seq.*, the Municipal Stabilization and Recovery Act (MSRA), Atlantic City was deemed a municipality in need of stabilization and recovery and the Director, Division of Local Government Services, New Jersey Department of Community Affairs, assumed all of the functions, powers, privileges and immunities of the governing body of Atlantic City. As a result, on November 9, 2016, the provisions of Title 11A and the regulations promulgated thereunder did not apply to Atlantic City. *See In the Matter of Ronald P. Laielli, et al., Fire Fighter Ventnor* (Chair/CEO, decided July 31, 2017). Subsequently, *P.L. 2021, c. 124* was enacted to amend the MSRA, which guides State takeovers of jurisdictions, to restore Civil Service status and protections for public employees, effective June 24, 2021. The PM4450C eligible list, containing 33 names, promulgated on April 21, 2022, and expired on April 20, 2025. Two certifications (PL230284 and PL242011) were issued from the PM4450C list on December 28, 2022, and December 27, 2024, respectively, and 12 eligibles were appointed to the title of Police Lieutenant from these certifications. A new eligible list for Police Lieutenant (PM3824F), Atlantic City,

containing 26 names, promulgated on May 1, 2025, and expires on April 30, 2028. One certification (PL250780) was issued on May 7, 2025, and the disposition of the certification, appointing three eligibles to the title of Police Lieutenant, was recorded on May 22, 2025. A second certification (PL251052), containing 20 names, was issued on June 5, 2025, and has not yet been disposed of.

The petitioners initially requested an extension of the PM4450C list in March 2025. In support of this initial request, the petitioners present that during the period Atlantic City was not subject to the Civil Service law and rules, all promotional actions by the appointing authority required the approval of a Superior Court judge. The petitioners state that despite several vacancies in the title of Police Lieutenant as of the April 20, 2022, promulgation date for the PM4450C eligible list, the appointing authority chose not to utilize the list, taking the position that it would not do so until promotional lists were available for the titles of Police Sergeant and Police Captain. Consequently, the appointing authority did not utilize the PM4450C eligible list for at least nine months after it promulgated. The petitioners stated that 13 names remained active on the PM4450C eligible list as of March 2025. The petitioners argue that good cause exists to extend the PM4450C eligible list, as the Commission has done so in the past in instances where appointing authorities had imposed promotional and hiring freezes, including upholding the postponement of an examination for the title of Police Captain for one year in *In the Matter of James D'Andrea and Brian Wolpert* (CSC, decided September 16, 2009). The appellants aver that similar circumstances to those presented exist in the present case.

Thereafter, the petitioners, by letter dated May 12, 2025, requested a stay of promotions from the PM3824F eligible list and the revival of the PM4450C eligible list, which had expired with the issuance of the PM3824F eligible list. The petitioners maintain that they meet the requirements of *N.J.A.C. 4A:2-1.2(c)*, as they can demonstrate a clear likelihood of success on the merits; a danger of immediate or irreparable harm if the request is not granted; absence of substantial injury to other parties if the request is granted; and the public interest. Specifically, the petitioners, citing *In the Matter of Police Chief (PM3565M), Township of Middletown* (CSC, decided August 15, 2013), contend that they can demonstrate a clear likelihood of success on the merits, as their petitions in this matter show good cause exists to extend the PM4450C eligible list and they initiated their request prior to the expiration of that list. They argued as of the date of their stay request that there would be immediate and irreparable harm if a stay was not granted because monetary compensation could not cure the harm they would suffer if a stay was not granted and because making promotions off of the PM3824F eligible list could require later displacement, disrupt the chain of command and create uncertainty. The petitioners further argue that the foregoing reasons illustrate that there would be no harm to other parties or the public interest if the request for a stay is granted.

CONCLUSION

N.J.A.C. 4A:4-3.3(b) states that open competitive and promotional lists shall be promulgated for three years from the date of their establishment, unless the Chairperson or designee determines that, under the circumstances, a shorter time period is appropriate. *N.J.A.C.* 4A:4-3.3(b)1 further provides that an eligible list may, for good cause, be extended by the Chairperson or designee prior to its expiration date, except that no list shall have a duration of more than four years.

N.J.A.C. 4A:4-3.4(a) indicates that an expired list may be revived under the following circumstances:

1. To implement a court order, in a suit filed prior to the expiration of the list;
2. To implement an order of the Civil Service Commission in an appeal or proceeding instituted during the life of the list;
3. To correct an administrative error;
4. To effect the appointment of an eligible whose working test period was terminated by a layoff; or
5. For other good cause.

N.J.A.C. 4A:2-1.2(c) provides that the following factors will be considered in reviewing a request for a stay:

1. Clear likelihood of success on the merits by the petitioner;
2. Danger of immediate or irreparable harm if the request is not granted;
3. Absence of substantial injury to other parties if the request is granted; and
4. The public interest.

N.J.A.C. 4A:2-1.2(d) states that the filing of a petition for interim relief will not stay administrative proceedings or processes. Moreover, it is noted that the appellant has the burden of proof in this matter. *See N.J.A.C.* 4A:2-1.4(c).

In the instant matter, the petitioners' requests for a stay of the utilization of the PM3824F eligible list is moot. As noted above, the PM3824F eligible list promulgated on May 1, 2025, and a certification from that list (PL250780) issued on May 7, 2025, and disposed of on May 22, 2025, which resulted in the appointment of three eligibles to the title of Police Lieutenant. An additional certification has been issued from the PM3824F eligible list and remains pending.

Further, the record fails to establish good cause to revive and extend the PM4450C list. At the outset, a request for an extension of an eligible list generally originates with the appointing authority since only it can determine whether

operational and staffing needs are best addressed by such an extension. Thus, absent some particularly compelling ground, this agency will not act to extend an eligible list without the support of the appointing authority.¹ See, e.g., *In the Matter of Thomas Bucca and John Rogalski* (MSB, decided May 23, 2000); *In the Matter of Police Sergeant (PM3484G), Union City* (MSB, decided April 18, 1989). Here, there is no evidence of such support. Indeed, the appointing authority has proceeded to make appointments to the subject title from the PM3824F eligible list that promulgated on May 1, 2025, and it has requested and received a second certification from this new list. Further, it cannot be said that the petitioners demonstrated a compelling ground to extend the PM4450C eligible list prior to its expiration or to a basis to revive it following its expiration. Critically, individuals whose names merely appear on a list do not have a vested right to appointment. See *In re Crowley*, 193 N.J. Super. 197 (App. Div. 1984), *Schroder v. Kiss*, 74 N.J. Super. 229 (App. Div. 1962). The only interest that results from placement on an eligible list is that the candidate will be considered for an applicable position so long as the eligible list remains in force. See *Nunan v. Department of Personnel*, 244 N.J. Super. 494 (App. Div. 1990). As noted above, two certifications (PL230284 and PL242011) were issued from the PM4450C list on December 28, 2022, and December 27, 2024, and 12 eligibles were appointed from these certifications, so clearly candidates on the list were considered for appointment while the PM4450C eligible list remained in force.

Moreover, the petitioners have not satisfied the other requirements for a stay pursuant to N.J.A.C. 4A:2-1.2(c). In this regard, since the denial of the stay request would not impinge on a vested right accorded to the petitioners under Civil Service law and rules, there is not a danger of immediate or irreparable harm to them. Moreover, granting a stay would cause substantial injury to the appointing authority and appointees from the PM3824F list, as it would disrupt properly effectuated appointments from the PM3824F list without a reasonable basis. Finally, it cannot be said that such an action under these circumstances would be in the public interest.

Accordingly, based upon the foregoing, the petitioners have failed to meet their burdens of proof in this matter.

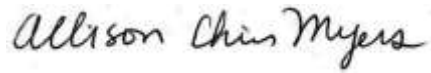
ORDER

Therefore, it is ordered that these requests be denied.

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

¹ It is noted that *In the Matter of Police Chief (PM3565M), Township of Middletown*, *supra*, involved an underlying request initiated by the appointing authority, rather than candidates.

DECISION RENDERED ON
THE 10TH DAY OF JULY, 2025



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