



## STATE OF NEW JERSEY

In the Matter of Rosalba Dominguez  
Judiciary, Somerset Vicinage

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

CSC DKT. NO. 2015-2610  
OAL DKT. NO. CSV 4227-15

**ISSUED: September 21, 2017 BW**

The appeal of Rosalba Dominguez, Senior Probation Officer, Judiciary, Somerset Vicinage, removal effective March 12, 2015, on charges, was heard by Administrative Law Judge Susan M. Scarola, who rendered her initial decision on August 14, 2017. Exceptions were filed on behalf of the appellant, and a reply to exceptions was filed on behalf of the appointing authority.

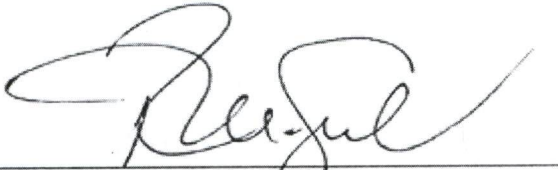
Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of September 20, 2017, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

## ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Commission therefore affirms that action and dismisses the appeal of Rosalba Dominguez.

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  
SEPTEMBER 20, 2017

A handwritten signature in black ink, appearing to read 'R. Czech', is written over a horizontal line.

Robert M. Czech, 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

**INITIAL DECISION**

OAL DKT. NO. CSV 4227-15

AGENCY DKT. NO. 2015-2610

**IN THE MATTER OF ROSALBA  
DOMINGUEZ, NEW JERSEY  
JUDICIARY, SOMERSET VICINAGE.**

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**Brian M. Cige**, Esq., appearing for appellant, Rosalba Dominguez (Law Offices of Brian Cige)

**Thomas Russo**, Esq., for respondent, New Jersey Judiciary, Somerset Vicinage (Glenn A. Grant, J.A.D., Acting Administrative Director of the New Jersey Courts, attorney)

Record Closed: June 30, 2017

Decided: August 14, 2017

BEFORE **SUSAN M. SCAROLA**, ALJ:

**STATEMENT OF THE CASE**

Appellant, Rosalba Dominguez, a senior probation officer (PO) at respondent, State of New Jersey Judiciary, Somerset/Hunterdon/Warren Vicinage, appeals disciplinary action seeking her removal for conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6), and other sufficient cause in violation of N.J.A.C. 4A:2-2.3(a)(12), specifically, violation of the Code of Conduct for Judiciary Employees

Canon 3 (avoiding actual or apparent impropriety) by attempting to use her judiciary position to unduly influence police officers from Clinton Township to refrain from charging her boyfriend with driving while intoxicated, by providing a false name to law-enforcement authorities, and by calling 911 in a non-emergency situation.

The appellant denies the allegations and contends that her conduct had no influence on the arresting officers, and, further, that she was intoxicated, and therefore was not acting deliberately.

### **PROCEDURAL HISTORY**

On September 29, 2014, the New Jersey Judiciary, Vicinage 13 (Somerset County), issued a Preliminary Notice of Disciplinary Action suspending appellant without pay pending a departmental hearing. Following a departmental hearing, the judiciary issued a Final Notice of Disciplinary Action on March 11, 2015, sustaining the charges and removing appellant from her position effective March 12, 2015. Appellant filed a timely notice of appeal.

The Civil Service Commission, Merit System Practices, transmitted the case to the Office of Administrative Law, where it was filed on March 26, 2015. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13. The hearing was held on August 29, and 30, 2016, before the Hon. John Schuster III, ALJ. The record remained open until September 30, 2016, for the receipt of briefs.<sup>1</sup> Judge Schuster retired before writing the decision. The matter was reassigned on May 17, 2017, and the record reopened. A conference call with counsel was held on June 9, 2017. As neither party had ordered a transcript of the proceedings, recordings of the hearing were then ordered. The record closed on June 30, 2017, after the recordings were received.<sup>2</sup>

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<sup>1</sup> Extensions of time were then granted for the filing of the Initial Decision.

<sup>2</sup> The recordings and the evidence form the basis for this decision.



## **FACTUAL DISCUSSION**

### **Testimony**

#### **For Respondent**

**Clinton Township patrolman Joseph Sangiovanni** testified that he was working during the early-morning hours of August 17, 2014, on DWI (driving while intoxicated) patrol, when he stopped a vehicle operated by appellant's boyfriend; the appellant was the passenger. The driver was given field sobriety tests and subsequently arrested for DWI. Officer Latif and Sergeant DeRosa also responded to the scene to assist Patrolman Sangiovanni. Officer Latif was the officer who took the appellant to headquarters (HQ).

The appellant was disrespectful to Officer Latif and gave him a false name. She later called 911 when she was outside HQ, which was a misuse of the system. She claimed that she was a PO, and he believed she was using her position to try to help the driver. The driver said appellant was a PO. The appellant later admitted she was not professional.

Patrolman Sangiovanni's dash camera recorded the motor-vehicle stop. The appellant said she had been drinking and was a probation officer. She was boisterous.

**Clinton Township patrolman Umair Latif** testified that he was on patrol on August 17, 2014, and called for backup on the motor-vehicle stop with Sergeant DeRosa. The appellant identified herself as a PO, and said that they should cut her boyfriend a break. The appellant called another police officer from North Plainfield to intercede on her boyfriend's behalf. This phone call was heard by Patrolman Latif and Sergeant DeRosa, who put appellant's cell phone on speaker. The appellant tried to call the North Plainfield officer again, but the second call was not answered.

Patrolman Latif drove the appellant to HQ. No recording was made of this because his camera was broken. When asked if she wanted water, the appellant

declined, but asked for vodka. Patrolman Latif felt disrespected by appellant. He asked her for her name and she said "Rosa Rodriguez," and she refused to spell her last name.

The appellant was outside HQ and called 911 about her boyfriend, which was inappropriate, as it was not an emergency and tied up the system. This could be considered a criminal offense. Patrolman Latif and Sergeant DeRosa went out to talk to her and told her not to use 911.

The appellant appeared intoxicated. She had her cell phone out and Sergeant DeRosa asked her to get off the phone. At HQ, she was upset and wanted the sergeant's name so she could file a complaint against him.

She was not arrested; she was not charged with giving a fake name or using 911 inappropriately. When leaving HQ, the appellant admitted she had been disrespectful.

**Clinton Township sergeant Thomas DeRosa** testified that on the evening of August 17, 2014, he was in charge of and working patrol, specifically on drunk-driving enforcement. Patrolman Sangiovanni called him for backup. Both he and Sangiovanni had working dash cameras.

Multiple times, the appellant stated that she was a PO, and volunteered this information without being asked. He believed she wanted them to give her boyfriend a break on the DWI arrest and wanted no charges brought against him. She complained that she was not given any courtesy and that she would remember that.

The appellant called a police officer from North Plainfield to try to get him to intercede. When he did not intervene, she called him names.

Patrolman Latif drove the appellant to HQ. While there, she went outside and called 911. DeRosa told her that calling 911 in a non-emergency was a crime, as well as unprofessional and inappropriate. She also advised dispatch on the call that she was there to pick up her boyfriend, even though she was obviously intoxicated. At HQ,



the appellant was irritated. She was distracting, although the officers could still do their job. She was rambling on about cops getting breaks, but they have no discretion on a DWI offense.

The following week, Sergeant DeRosa reported the incident to the Somerset County trial court administrator and was referred to chief probation officer (CPO) Ron Kirk. Sergeant DeRosa felt that the 911 call was serious. He told Kirk that the appellant had identified herself as a PO upon his arrival and multiple times thereafter. DeRosa provided a copy of the three police reports (prepared by patrolmen Sangiovanni and Latif and him), as well as the dash-cam videos from his car and Sangiovanni's recording.

The appellant never filed a complaint against him.

**Ronald Kirk** testified that he has been CPO in Vicinage 13 for the New Jersey Judiciary since July 2013. Probation officers take an oath of office and are held to a higher standard. It is a responsible position, as it affects people's lives. POs must interact with law enforcement and must maintain good relationships with local safety personnel. They are supposed to be role models to the people on probation as they try to get them back on the right track.

POs have a code of conduct to follow which applies inside and outside of the workplace, during working and non-working hours. All employees are given a copy of the code, read it, and have training on it. Voluntary identification as a PO is prohibited, but a PO can answer the question if asked.

The appellant is a senior PO in Somerset County, assigned to the adult-supervision section, which includes drug offenders and those on court-ordered probation. Her job was to supervise offenders, and oversee reporting, drug testing, and record checking. She would be in contact with law enforcement and reach out to fellow law-enforcement officers. She would handle home visits and answer any law-enforcement questions about someone serving time on probation.

The Somerset County Probation Department was contacted by Sergeant DeRosa and advised that the appellant's conduct was very much inappropriate. Sergeant DeRosa said that the appellant said she was a PO but had no identification with her. She was trying to get her boyfriend out of a DWI charge. She was disrespectful and continued to be; she gave a false name; and she called 911. Kirk spoke with his supervisors, Farkas and Morejon, and they agreed to take no action until the police reports were received.

During the week of September 8, 2014, Kirk received the police reports and DVDs from the Clinton Police Department. He reviewed them and gave them to Morejon. They then discussed the matter, and both had serious concerns about the appellant's behavior.

On September 18, 2014, Kirk spoke with the appellant in the presence of her union representative. The appellant said she identified herself as a PO but only after she was asked. She was not looking for a favor, as it would be a violation of the canon and she would not do that. She admitted that she had dialed 911 because she was cold and was trying to get back in the building. She said she was "not a partyer" when asked if she had been drinking.

A summary of the incident was prepared, and the conclusion was a suspension without pay pending review and approval by the assignment judge. On September 24, 2014, the appellant was provided with notice of immediate suspension issued by Eugene Farkas, the trial-court administrator. The appellant was provided with a copy of the Preliminary Notice of Disciplinary Action, and after the hearing officer's decision and approval of the assignment judge, the Final Notice of Disciplinary Action.

Kirk and the other administrators concluded that the appellant's action was egregious: she identified herself as a PO without prompting; she said she was able to drive (when she was intoxicated); she contacted a North Plainfield police officer to intervene on her behalf; she asked for vodka; she gave a false name (a criminal act), which called her integrity into question; and she called 911 in a non-emergency. The latter offenses were the major reasons for the disciplinary action. The credibility and



integrity of the Probation Department were called into question. The appellant's intoxication was not relevant to the decision to charge.

**Rachel Morejon** is the Human Resources Division manager for the New Jersey Judiciary, Vicinage 13. She reports to the trial-court administrator, who reports to the assignment judge.

All employees receive the Code of Conduct for Judiciary Employees, which covers workplace and outside-of-workplace conduct. In addition, employees receive a copy of a memorandum from the Hon. Glenn Grant, J.A.D., administrative director of the courts, on risk avoidance. The memo directs employees to avoid using their judiciary affiliation. Employees are also advised that their conduct must be above reproach in order to preserve the integrity of and public respect for the court system. Any violation of this policy is forbidden and could result in discipline, including termination.

In addition to orientation, employees receive frequent training on this and other management policies. Frequent review is also done as employees turn on their computers, which serves as a reminder to them of the policy.

The appellant commenced work in 2004 and received a copy of the code of conduct, a risk-management memo, and training. Her most recent training was in early 2014.

As for the appellant's disciplinary history, the stipulation reached by the parties was accurate. She had no disciplines for behavior, only for attendance, and this was taken into consideration when determining the appropriate discipline.

This particular incident had been brought to Morejon's attention by Kirk, who gave her three police reports and dash-cam videos. She reviewed the materials. She had meetings with Kirk and Farkas, and one with the assignment judge. They reviewed the information and discussed how to proceed. They interviewed the appellant, and Kirk asked about the call to 911.

At the second meeting, they agreed on the discipline to impose. The Clinton Police had no input into the determination. After a hearing before the Administrative Office of the Courts hearing judge, they agreed that the behavior was egregious and decided that removal was appropriate. The assignment judge agreed.

Morejon had no knowledge of the appellant's intoxication at the time of the incident; it was not a part of this discipline, either as an offense or with regard to punishment.

Morejon spoke with DeRosa in preparation for the departmental hearing. She was aware that the appellant had asked for the name of DeRosa's supervisor and that his report was prepared after the appellant said she was going to file a complaint against him, but this was not significant to her decision.

**[By stipulation] Sgt. Edward Ciempola<sup>3</sup>** testified that during the early-morning hours of August 17, 2014, he received a telephone call from the appellant, who was an acquaintance, asking him to speak with Clinton Township police officers and to intervene in the motor-vehicle stop to prevent the appellant's boyfriend's arrest or to undo it. In a second telephone call to the sergeant, which went unanswered, the appellant left a nasty voicemail message and called him names, as she was angered that he had failed in "undoing" the boyfriend's arrest.

#### **For Appellant**

**Rosalba Dominguez** testified that she started working for the Somerset County Probation Department in 2004; she later became a senior PO dealing with adult populations. Her disciplinary record was clean from 2004 through 2010, when she had a death in her family. This affected her health, and she ran out of sick time and vacation time. Her only disciplines were for attendance, not behavior.

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<sup>3</sup> The parties stipulated to the testimony of Sergeant Ciempola. (See Joint Exhibit 1.)



On August 17, 2014, she and her boyfriend went to Asbury Park. The whole day is blurry to her. She drank mixed drinks. They left after dark, and had dinner and were doing shots. After they left, her boyfriend was pulled over. Sometime during the day she had lost her credentials.

At the motor-vehicle stop, she was not aware of her boyfriend's behavior, as she was intoxicated. She called her police-officer friend in North Plainfield to validate her name and position. She does not remember her intentions that night. At HQ, she was in a fog, and has a poor memory of events there. She was waiting for her boyfriend. She did not recall asking for vodka or giving a false name. She did not know where she was, exactly. She felt that Sergeant DeRosa was annoyed and aggressive to her. She thought the 911 call was appropriate because she was outside HQ and was cold, but did not know her location. This seemed like an emergency to her.

The next day she realized it had been a long, bad night the evening before, and she decided she did not want to file a complaint against DeRosa.

### **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. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality or 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). Also, "[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.), certif. denied, 10 N.J. 316 (1952) (citation omitted).

A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

After reviewing the evidence and the DVD, I accept the testimony of the police officers and the stipulation of the testimony of Officer Ciempola as truthful and as **FACT**. The events were described in a straightforward manner; they had no reason to lie or dissemble. The testimony of the three officers was consistent and supported by the dash-cam video.

On August 17, 2014, the appellant was a passenger in a vehicle driven by her boyfriend when he was pulled over for suspected DWI. As the officers addressed that situation as procedure dictated, the appellant repeatedly told the officers that she was a probation officer and entitled to courtesy from them regarding the DWI. When that effort did not appear to be successful, the appellant tried to interfere by calling a police-officer acquaintance from North Plainfield and asking him to intervene to try to stop or undo the arrest of her boyfriend. When that officer did not help her, she called him back and left nasty voicemail messages. She was disrespectful of the Clinton police officers; she was boisterous. When Patrolman Sangiovanni asked for her name, the appellant provided a false one. When the appellant went outside the police station, she called 911 because she was cold, even though it was not an emergency. When asked if she wanted a glass of water, she stated she wanted vodka. The dash-cam videos provide additional support for the testimony of Patrolman Sangiovanni and Sergeant DeRosa.

The appellant agrees that she was intoxicated that night. She did not remember most of what had occurred: she did not remember providing a false name to the police officer or being disrespectful. She did not remember asking for vodka. The appellant did not remember her intentions that night. I **FIND** that she contacted the North Plainfield officer to curry favor with the Clinton officers, and to try to get him to intercede in the boyfriend's arrest. I also **FIND** that the appellant dialed 911 in a non-emergency situation.



I also accept as **FACT** the testimony of Kirk and Morejon as to the procedure followed after they became aware of the appellant's behavior during the traffic stop. The appellant had notice of the behavior expected for a probation officer, and the possible consequences for any violation. The discipline sought to be imposed was not because of the appellant's intoxication, but rather because of the conduct in which she had engaged.

### **LEGAL ANALYSIS AND CONCLUSION**

Civil service employees' rights and duties are governed by the Civil Service Act and regulations promulgated pursuant thereto. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:1-1.1. The Act is an important inducement to attract qualified people to public service and is to be liberally applied toward merit appointment and tenure protection. Mastrobattista v. Essex Cnty. Park Comm'n, 46 N.J. 138, 147 (1965). However, consistent with public policy and civil-service law, a public entity should not be burdened with an employee who fails to perform his or her duties satisfactorily or who engages in misconduct related to his or her office. N.J.S.A. 11A:1-2(a). A civil-service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline, including removal. N.J.S.A. 11A:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2. The general causes for such discipline are set forth in N.J.A.C. 4A:2-2.3(a).

This matter involves a major disciplinary action brought by the respondent appointing authority against the appellant. An appeal to the Civil Service Commission requires the OAL to conduct a hearing de novo to determine the appellant's guilt or innocence as well as the appropriate penalty, if the charges are sustained. In re Morrison, 216 N.J. Super. 143 (App. Div. 1987). Respondent has the burden of proof and must establish by a fair preponderance of the credible evidence that appellant was guilty of the charges. Atkinson v. Parsekian, 37 N.J. 143 (1962). Evidence is found to preponderate if it establishes the reasonable probability of the fact alleged and generates a reliable belief that the tendered hypothesis, in all human likelihood, is true. See Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div. 1959), overruled on other grounds, Dwyer v. Ford Motor Co., 36 N.J. 487 (1962).

Here, the judiciary has charged the appellant with conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6), and other sufficient cause in violation of N.J.A.C. 4A:2-2.3(a)(12), specifically, violation of the Code of Conduct for Judiciary Employees Canon 3 (avoiding actual or apparent impropriety) by attempting to use her judiciary position to unduly influence police officers from Clinton Township to refrain from charging her boyfriend with driving while intoxicated, by calling 911 in a non-emergency situation, and by giving a false name to law-enforcement authorities.

Conduct unbecoming a public employee has been interpreted broadly as conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect for governmental employees and confidence 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 “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.” 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)).

Canon 3 of the Code of Conduct for Judiciary Employees (avoiding actual or apparent impropriety) provides:

A court employee shall observe high standards of conduct so that the integrity and independence of the courts may be preserved, and shall avoid impropriety or the appearance of impropriety.

....

Specifically, a judiciary employee shall not:



- a. Use or attempt to use the official position or the prestige of judicial affiliation to secure special privileges or exemptions for the employee or others.

Here, although the appellant was aware of her obligations as an employee of the judiciary—she was to observe high standards of conduct to avoid impropriety or the appearance of impropriety—she then engaged in inappropriate conduct: she repeatedly identified herself as a probation officer in an attempt to curry favor with law-enforcement officers; she contacted a police officer from another jurisdiction to try to get him to intercede and “undo” her boyfriend’s arrest; when asked for her name, she provided a false one to law-enforcement officers; and she called 911 in a non-emergency situation. Such conduct tends to destroy public respect for governmental employees and confidence in the delivery of governmental services.

The appellant sought to justify her conduct by blaming it on her intoxication. She claimed not to remember some of her conduct that night, but denied that her conduct was intentional. The appellant’s intoxicated state should not be used as a justification for behavior that she later recognized was inappropriate.

Applying the law to the facts, I **CONCLUDE** that the appointing authority has sustained by a preponderance of the credible evidence the charges of conduct unbecoming a public employee, in violation of N.J.A.C. 4A:2-2.3(a)(6), and other sufficient cause, in violation of N.J.A.C. 4A:2-2.3(a)(12), specifically, violation of Canon 3 of the Code of Conduct for Judiciary Employees.

### **Penalty**

Once a determination is made that an employee has violated a statute, regulation or rule concerning his employment, the concept of progressive discipline must be considered. W. New York v. Bock, 38 N.J. 500 (1962). However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual’s disciplinary history. Henry v. Rahway State Prison, 81 N.J. 571 (1980). Progressive discipline is not a “fixed and immutable rule to be followed without question.” Carter v. Bordentown,

191 N.J. 474, 484 (2007). Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished record. Ibid.

Here, the appellant had been employed as a probation officer since 2004. In mitigation, her only disciplines were for attendance, and not behavior, and came at a stressful time in her life. She later acknowledged her misconduct and stated that it would not recur.

The aggravating factors are significant: the appellant's behavior continued over a period of time; it involved conduct such as calling 911 in a non-emergency and providing a false name to law-enforcement authorities (which could be considered as potential criminal behavior); it involved a law-enforcement officer from another jurisdiction and an attempt to have him interfere with her boyfriend's arrest; it involved being disrespectful to the arresting law-enforcement officers; and it involved an effort by her to use her position within the judiciary to influence an arrest. Such conduct is egregious and requires the appropriate penalty of removal of the appellant from her position as a senior probation officer.

### ORDER

I **ORDER** that the charges of conduct unbecoming a public employee, in violation of N.J.A.C. 4A:2-2.3(a)(6), and other sufficient cause, in violation of N.J.A.C. 4A:2-2.3(a)(12), are sustained, and that the action of the respondent appointing authority removing the appellant from her position as a senior probation officer is hereby **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

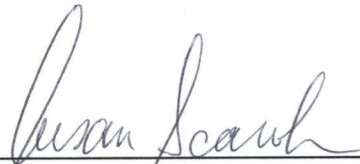


within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

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, MERIT SYSTEM PRACTICES AND LABOR RELATIONS, 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.

August 14, 2017

DATE

  
\_\_\_\_\_  
**SUSAN M. SCAROLA, ALJ**

Date Received at Agency:

August 15, 2017

Date Mailed to Parties:

August 15, 2017

## **APPENDIX**

### **WITNESSES**

#### **For appellant:**

Patrolman Joseph Sangiovanni  
Patrolman Umair Latif  
Sergeant Thomas DeRosa  
Ronald Kirk  
Rachel Morejon

#### **For respondent:**

Rosalba Dominguez

### **EXHIBITS**

#### **Joint:**

J-1 Stipulation of Facts (Sgt. Edward Ciempola)  
J-2 Stipulation of Prior Disciplinary Record

#### **For appellant:**

None

#### **For respondent:**

R-1 Investigation Report by Patrolman Sangiovanni  
R-2 CAD Incident Report  
R-3 Dash-cam recording of motor-vehicle stop  
R-4 Supplementary Investigation Report by Patrolman Latif  
R-5 Supplementary Investigation Report by Sergeant DeRosa  
R-6 Dash-cam recording of motor-vehicle stop  
R-7 Code of Conduct for Judiciary Employees  
R-8 Probation Employees' Credentials Package Policy

- R-9 Probation Credentials Package Receipt
- R-10 Summary of Probation investigation
- R-11 Notice to appellant of suspension
- R-12 Letter from union to Kirk
- R-13 Decision of suspension
- R-14 Preliminary Notice of Disciplinary Action
- R-15 Memo from Judge Ciccone
- R-16 Final Notice of Disciplinary Action
- R-17 Employee Risk Avoidance memo
- R-18 Calendar Year 2011 Pop-Ups
- R-19 Calendar Year 2012 Pop-Ups
- R-20 Appellant's training record