



## STATE OF NEW JERSEY

In the Matter of Ramone Wilson  
City of Newark, Department of Public  
Safety

**DECISION OF THE  
CIVIL SERVICE COMMISSION**

CSC DKT. NO. 2018-1519  
OAL DKT. NO. CSV 00233-18

**ISSUED: DECEMBER 21, 2018      BW**

The appeal of Ramone Wilson, Police Officer, City of Newark, Department of Public Safety, removal effective March 14, 2016, on charges, was heard by Administrative Law Judge Barry E. Moscowitz, who rendered his initial decision on November 23, 2018 reversing the removal. No exceptions were filed.

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 on December 19, 2018, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

This decision resolves the merits of the dispute between the parties concerning the disciplinary charges and the penalty imposed by the appointing authority. However, in light of the Appellate Division's decision, *Dolores Phillips v. Department of Public Safety*, Docket No. A-5581-01T2F (App. Div. Feb. 26, 2003), the Commission's decision will not become final until any outstanding issues concerning back pay or counsel fees are finally resolved. In the interim, as the court states in *Phillips, supra*, if it has not already done so, upon receipt of this decision, the appointing authority shall immediately reinstate the appellant to his position in order to complete the remainder of his working test period.

**ORDER**

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was not justified. The Commission therefore reverses that action and grants the appeal of Ramone Wilson.

Since the charges against the appellant have been dismissed, the appellant is entitled to mitigated back pay, benefits and seniority and reasonable counsel fees pursuant to *N.J.A.C. 4A:2-2.10* and *N.J.A.C. 4A:2-2.12*. However, the appellant is not entitled to receive back pay, benefits and seniority for the entire period from the date of his removal to the date of his reinstatement. In this regard, the Commission notes that the appellant was still in his working test period when he was removed. Specifically, he received a regular appointment effective September 17, 2015 and was removed effective March 14, 2016. Since it cannot be assumed that the appellant would have completed his working test period, he should only receive back pay through September 16, 2016, which is the remainder of the working test period he did not complete. See *In the Matter of Justin Miller* (CSC, decided June 18, 2014); *In the Matter of Terrell Twiggs* (MSB, decided May 9, 2007); *In the Matter of Jennifer Mortimer* (MSB, decided April 26, 2006) and *In the Matter of Rosalind Candelaria* (MSB, decided November 10, 1998). Therefore, the appellant should be returned to work to complete the remainder of his working test period. Accordingly, the appellant is entitled to receive back pay, benefits and seniority from March 14, 2016 through September 16, 2016. Any time from that date to his actual reinstatement shall be considered a leave of absence without pay. Proof of income earned and an affidavit of mitigation shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision.

The Commission further orders that counsel fees be awarded to the attorney for appellant pursuant to *N.J.A.C. 4A:2-2.12*. An affidavit of services in support of reasonable counsel fees shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision. Pursuant to *N.J.A.C. 4A:2-2.10* and *N.J.A.C. 4A:2-2.12*, the parties shall make a good faith effort to resolve any dispute as to the amount of back pay and counsel fees. However, under no circumstances should the appellant's reinstatement be delayed pending resolution of any potential back pay or counsel fee dispute.

The parties must inform the Commission, in writing, if there is any dispute as to back pay and counsel fees within 60 days of issuance of this decision. In the absence of such notice, the Commission will assume that all outstanding issues have been amicably resolved by the parties and this decision shall become a final administrative determination pursuant to *R. 2:2-3(a)(2)*. After such time, any further review of this matter shall be pursued in the Superior Court of New Jersey, Appellate Division.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 19<sup>TH</sup> DAY OF DECEMBER, 2018



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

attachment

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
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**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. CSV 00233-18

**IN THE MATTER OF RAMONE WILSON,  
CITY OF NEWARK, DEPARTMENT OF  
PUBLIC SAFETY.**

*CSC DKT# 2018-1579*

**Michael A. Peluso, Esq.,** for appellant Ramone Wilson

**Michael A. Cifelli, Esq.,** for respondent City of Newark (Florio, Kenny, Raval, LLP,  
attorneys)

Record Closed: October 8, 2018

Decided: November 23, 2018

**BEFORE BARRY E. MOSCOWITZ, ALJ:**

**STATEMENT OF THE CASE**

The Newark Police Department (Newark) brought disciplinary charges against Ramone Wilson, temporarily appointed as a police recruit, before he completed his police training and began his working test period. Do these disciplinary procedures even apply to him? Yes. Under N.J.A.C. 4A:4-5.2(d)(1), major disciplinary procedures applicable to employees serving in a working test period are also applicable to police officers from the date of appointment until the completion of their police training.

### **PROCEDURAL HISTORY**

On March 14, 2016, the Newark served Wilson with a Preliminary Notice of Disciplinary Action. In its notice, Newark charged Wilson with violation of Chapter 18:24 of its rules and regulations, which states that department members shall not violate any criminal law, any provision of the Disorderly Persons Act, or any of its city ordinances. In addition, Newark charged Wilson with violation of Chapter 3:1.1 of its rules and regulations, which states that police officers in both public and private shall conduct themselves to avoid impugning the reputation of the department. Finally, Newark charged Wilson with violation of N.J.A.C. 4A:2-2.3(a)(6), which states that a public employee may be subject to discipline for conduct unbecoming a public employee.

Newark specified that on March 12, 2016, Wilson violated these rules and regulations when he was arrested by the Irvington Police Department for receiving a stolen car in violation of N.J.S.A. 2C:20-7.

As a result, Newark suspended Wilson without pay pending the resolution of the criminal charges against him.

On April 7, 2016, Newark served Wilson with a Final Notice of Disciplinary Action. In its notice, Newark sustained all the charges and specifications in the preliminary notice. As a result, Newark suspended Wilson from his position as a police recruit without pay indefinitely.

On January 26, 2017, the criminal charge was dismissed.

On February 15, 2017, Newark served Wilson with another Preliminary Notice of Disciplinary Action. In its notice, Newark charged Wilson again with violation of Chapter 3:1.1 of its rules and regulations, and violation of N.J.A.C. 4A:2-2.3(a)(6). Newark specified that on December 25, 2015, Wilson falsified an official record when he said, during an interview, that the lease to his apartment was in his name when he knew, "in truth and in fact," that the lease to his apartment was in the name of Shastri Boyd Persad. Newark also specified that on January 3, 2016, Wilson created false documents, letters

dated April 27, 2015, and June 14, 2015, to a superior officer, Sgt. Louis Forst, to justify an argument Wilson had with his neighbor. As a result, Newark removed Wilson from his position as a police recruit.

On November 9, 2017, Newark served Wilson with a Final Notice of Disciplinary Action. In its notice, Newark sustained all the charges and specifications in the preliminary notice. As a result, Newark removed Wilson from his position as a police recruit.

On November 27, 2017, Wilson appealed the determinations.

On January 9, 2018, the Civil Service Commission transmitted these appeals to the Office of Administrative Law as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the Office of Administrative Law, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On June 19, August 16, and August 31, 2018, I held the hearing on both appeals.

By October 8, 2018, the parties had submitted their post-hearing briefs for these appeals, and I closed the record upon the receipt of the final submissions.

## **DISCUSSION AND FINDINGS OF FACT**

### **I.**

Louis Forst is a lieutenant with the Newark Police Department. He has been employed by Newark since 1999 and was a sergeant in 2015 when he first met Wilson. During that time, Forst was the liaison between the Newark Police Department and the Passaic County Police Academy and Wilson was a police recruit at the academy. Previously, from 2008 to 2011, Forst worked in Internal Affairs and as an academy instructor in Newark, when Newark had its own police academy. Forst has been a

lieutenant since 2016 and is currently the tour commander for the first precinct. He just became the tour commander this year.

A.

Forst testified that he had received a civilian complaint, which he called a "demeanor complaint," about Wilson from Wilson's downstairs neighbor, a Sunni Muhammad. Forst explained that he spoke to Muhammad; the property manager, a Jason Delgado; and Wilson about it. Forst continued that his findings are contained in his investigative report. The investigative report was admitted into evidence as Exhibit H.

Forst asserted that when he interviewed Wilson on December 25, 2015, Wilson told him that his name was on the lease for the upstairs apartment, but that Wilson had lied because his name was not on the *lease* for the upstairs apartment but on the *sublease* for the upstairs apartment.

Forst maintained that Wilson had lied even though Delgado had faxed him on January 21, 2016, a letter dated January 19, 2016, which stated that Wilson was a tenant in the upstairs apartment and a sublessee of Shastri Boyd Persad. Delgado also included the lease. Incredibly, Forst maintained that Wilson had lied to him even after he received a copy of the sublease from Wilson and saw that the sublease was in his name. The fact that neither Forst nor Wilson made a distinction between a lease and a sublease during the interview, and the fact that they talked only of "a lease" or "the lease" throughout their interaction, made no difference to Forst. According to Forst, Wilson had lied to him because Wilson said his name was on the lease and it was not.

Meanwhile, Persad testified that he did in fact sublease the apartment to Wilson, that he had gotten verbal approval from Delgado to do so, and that someone in his office ultimately provided a copy of the sublease to Delgado, who had later asked for it. Persad further explained that he was aware of the problem Wilson had with Muhammad. In fact, Persad testified that he had "run-ins" with Mohammad too, and that he had just had a "run-in" with Mohammad recently.

Delgado corroborated that Muhammad was a problem, testified that he explained this to Forst, and noted that Forst agreed with him that Muhammad was a problem. Delgado further testified that he did give permission to Persad to sublease the apartment to Wilson—just as he had given permission to Persad in the past to sublease such properties. Delgado continued that he did not maintain a copy of the sublease because it was not his lease, but that he did inform Forst that Wilson was the sublessee and not the lessee when he provided a copy of the lease to Forst. More significantly, Delgado noted that Forst did not ask for the sublease with any sense of urgency.

Wilson explained that he had found out about the apartment because he knew Persad, he had been doing office work for him, and had asked Persad if he would sublease the apartment to him. Wilson continued that he moved into the apartment in September 2014, and that he entered the academy in June or July 2015. Wilson also noted that he had achieved one of the highest scores on the civil service exam—which is the reason why he had been recruited by Newark to join its police department.

The trouble with Muhammad, however, began February or March 2015. Wilson explained that he first mentioned it to Persad, who told him to bring his complaint to Delgado, who told him that he was aware Muhammad was a problem and to put his future complaints in writing, just in case he needed to take legal action against him. Moreover, Wilson plainly stated that he told Forst that he was on the lease and not the sublease because the sublease was the only lease he had, the only lease he contemplated, and he simply made no distinction between the two.

#### B.

Forst testified that during his interview with Wilson on December 25, 2015, Wilson told him that he would also provide him with letters evidencing the ongoing trouble he had been having with Muhammad, and that he would provide Forst with those letters in a couple of days. On January 3, 2016, Wilson provided Forst with those letters in an attachment to an email Wilson sent to Forst that very day. The body of the email states, “As per our last conversation, I assured you that I would forward you the letters I sent to the property management regarding discrepancies with my neighbor. Attached are the



letters, please let me know if there is anything in addition to the letters needed." The email and its attachments were admitted into evidence as Exhibit A.

Forst, however, asserted that the letters were written just before they were sent. Forst explained that Wilson sent him the email on January 3, 2016, at 8:28 p.m.; that he opened the letters and "right-clicked" on "properties" to reveal their "metadata"; and that the "metadata" evidenced that they were created on January 3, 2016, at 8:03 p.m. and 8:23 p.m., respectively. In his report, Forst writes that this was a "forensic check through the statistical properties" of the letters.

Regarding the first letter, Forst wrote:

A forensic check through the statistical properties was conducted by the undersigned on January 16th. The Microsoft Word file sent on January 3rd at 8:28 p.m. shows that the first letter dated 4/27/15 was created on January 3, 2016 at 8:03 p.m. by author [Ramone] Wilson and last saved on January 3rd at 8:15 p.m. Wilson spent 14 minutes composing and editing this letter on January 3rd. The statistical page also shows that the file was printed by the undersigned on January 16th at 10:21 a.m.

[Ex. H.]

Regarding the second letter, Forst wrote:

A forensic check through the statistical properties was conducted by the undersigned on January 16th. The Microsoft Word file sent on January 3rd at 8:28 p.m. showed that the second letter dated 6/14/15 was created on January 3, 2016 at 8:23 p.m. by author [Ramone] Wilson and last saved on January 3rd at 8:23 p.m. Wilson spent only 1 minute composing and editing this letter on January 3rd as opposed to 14 minutes for the first letter. The statistical page also shows that the file was printed by the undersigned on January 16th at 10:21 a.m.

[Ex. H.]

Forst later describes the letters as "original" Word files.

Approximately one month later, on February 5, 2016, Delgado emailed the same letters to Forst. They were admitted into evidence as Exhibit G. In his letter, Delgado states that he had them on file in his office.

But Forst did not believe Delgado. Forst explained that he had interviewed Delgado on January 18, 2016, and that Delgado had told him that he did not have any documentation about the dispute between Wilson and Muhammad on file. So, when Delgado emailed the two letters to him, he did not believe that the letters were genuine. Moreover, Forst implied that Wilson and Delgado had conspired to submit them.

Forst, however, is mistaken. First, a preponderance of the evidence does not exist that by clicking on the “properties” icon of a Word document the “metadata” of the Word document is revealed. Second, a preponderance of the evidence does not exist that Forst conducted a “forensic check through the statistical properties” of the letters. As such, a preponderance of the evidence does not exist that Forst either reviewed the metadata of the letters or conducted a forensic check of their statistical properties—especially when no foundation was laid that Forst possesses such specialized knowledge.

Third, a preponderance of the evidence does not exist that the letters were “original” Word documents.

Fourth, a preponderance of the evidence does not exist that Wilson and Delgado conspired to do anything. While it is understandable why Forst may think so—based on his mistaken belief that he had discovered the metadata of the files—this conspiracy is not real but imagined. What is clear from the evidence is that Forst wanted to reach a certain conclusion in his investigation about Wilson.

To be sure, Delgado testified that when he first spoke to Forst (January 18, 2016), Forst only asked him for the lease, which he faxed to Forst on January 21, 2016, and noted that Wilson was a sublessee, not a lessee, and that when he next spoke to Forst (February 5, 2016), Forst first asked him for the letters, which he emailed to Forst on the same day, and noted that the letter dated April 27, 2015, should have been dated June 27, 2015, because that is the date he received it.

Wilson corroborated that the letter dated April 27, 2015, should have been dated June 27, 2015, because that is the date that he dropped the letter off for Delgado. Wilson explained that he had only retained copies of the letters on his computer, but that he no longer had copies of the letters on his computer when Wilson asked for them on December 25, 2015, because his computer had crashed and he had to replace the hard-drive. Wilson even offered copies of the receipt for the hard drive when asked for proof on cross-examination. Wilson further explained that he had taken pictures of the letters with his daughter's cellphone because he did not own a printer or a copier, and that Forst agreed he could retype the letters from his daughter's cellphone so there would be no discrepancies in the record. On cross-examination, Wilson asserted that his exact duplication of the letters is why the original typographical errors, including the incorrect date of April 27, 2015, were repeated in the duplicate letters he typed and then attached to the email he forwarded to Forst.

As such, Forst's assertion that Wilson composed and edited the letters dated April 27, 2015, and June 14, 2015, on January 3, 2016, to perpetuate a fraud, is not a fact of this case.

C.

On February 5, 2016, Forst closed the citizen's complaint. The result of his investigation was "not sustained," and no other issues or complaints had been reported since. But Forst still brought charges against Wilson for not having submitted the two letters timely. Forst asserted that he had expected them in "a couple of days," and that he received them later than that. In fact, Forst testified that he was annoyed that he did not get the letters sooner because he had asked Wilson for them more than once. Forst advised that if he were Wilson, and he had access to the letters, he would have provided them immediately.

Yet, on cross-examination, Forst acknowledged that he had interviewed Wilson on Christmas Day, December 25, 2015; that Wilson later told him that he did not have immediate access to the letters but could still get him the letters; and that Wilson did in fact provide him with the letters after the holidays, on January 3, 2016.

Still, the fact that December 25, 2015, was Christmas Day, the fact that Wilson did not have immediate access to the letters, and the fact that Wilson provided him with the letters after the holidays, just eight days later, did not matter to Forst because Forst still charged Wilson with failing to provide him with the letters within two days, which simply underscores his bias against Wilson.

Nevertheless, this charge of untimeliness was not included in the notices of disciplinary action, only the charge of falsification.

D.

On January 29, 2016, Forst wrote to Wilson that he had "fully investigated" his complaint about the lease and the letters, and that he had interviewed "all related witnesses and the Newark Police Department personnel involved in this matter to obtain all the facts surrounding the complaint." This letter was admitted into evidence as Exhibit F. Yet, Forst, by his own admission, had not "fully investigated" his complaint and he had not interviewed "all related witnesses." In fact, Forst completed no investigation and interviewed no witnesses.

Forst had learned from Delgado on January 21, 2016, that Wilson was on the sublease, not the lease. Yet Forst did not follow up with either Wilson or Delgado to question them about it. When asked on cross-examination why he never asked either Wilson or Delgado about the sublease on either of these occasions, Forst simply answered, "I don't know."

Earlier, Forst had received the letters from Wilson on January 3, 2016, but did not check their "properties" until January 16, 2016, and he did not follow up with either Wilson or Delgado to question either of them about the letters.

Likewise, when Delgado submitted the letters on February 5, 2016, Forst never followed up to ask how he had them, since Delgado had just told him on January 18, 2016, that he did not have them.

Moreover, Forst had spoken to Delgado on February 5, 2016, to advise him that he had closed the citizen's complaint filed by Mohammad. As such, Forst had the immediate opportunity to ask this follow-up question. When asked on cross-examination about what additional investigation he did do, Forst answered, "None," which both Delgado and Wilson corroborated during their direct examinations. Thus, Forst, by his own standard, should have been disciplined for falsifying an official record, because "in truth and in fact," he had not fully investigated his complaint and he had not interviewed all witnesses.

Indeed, throughout his cross-examination, Forst was uneasy about the pointed questions asked. He started to fidget in his seat, lean backward, and slouch. And he began to answer questions with either his hands or reading glasses in front of his mouth. In other word, he became defensive.

## II.

Given this discussion of the facts, I **FIND** that Newark has not proven by a preponderance of the evidence any of the salient specifications in the Final Notice of Disciplinary Action dated November 9, 2017. First, a preponderance of the evidence does not exist that on December 25, 2015, Wilson falsified an official record when he said, during an interview, that the lease to the apartment was in his name when he knew, "in truth and in fact," that the lease to his apartment was in the name of Shastri Boyd Persad. The fact that Wilson was on the sublease and not on the lease is a distinction without difference. That Wilson did not make the distinction was perhaps unartful, but it certainly was not deceitful. The fact that Forst maintains that Wilson lied about it is the only thing I would characterize as deceitful. Indeed, taking together what Fort said and how he said it, I did not find Forst to be a credible witness.

In addition, I **FIND** that a preponderance of the evidence does not exist that on January 3, 2016, Wilson created false documents, namely, letters dated April 27, 2015, and June 14, 2015, to justify an argument he had with his neighbor.

Likewise, I **FIND** that a preponderance of the evidence does not exist that Wilson failed to provide these letters to Forst in a timely manner.

Finally, I **FIND** that Wilson failed to complete the police training course but remained employed by Newark as a radio dispatcher while he waited for the next police training course to begin.

### **DISCUSSION AND CONCLUSIONS OF LAW**

The OAL shall acquire jurisdiction over a case only after an agency head has determined that the matter is a "contested case." N.J.A.C. 1:1-3.2(a). A contested case is an adversarial proceeding in which "the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by an agency by decisions, determinations, or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing." N.J.A.C. 1:1-2.1. To determine whether a case is a contested case under this regulatory scheme, the agency head must determine three things: (1) whether the hearing is required by statute or constitutional provision; (2) whether the hearing will result in an adjudication concerning rights, duties, obligations, privileges, benefits, or other legal relations; and (3) whether the hearing involves specific parties rather than a large segment of the public. Bd. of Educ. of Upper Freehold Reg'l Sch. Dist. v. State Health Benefits Comm'n, 314 N.J. Super. 486, 494 (App. Div. 1998) (citing 37 New Jersey Practice, Administrative Law and Practice § 119, at 137 (Steven L. Lefelt, Anthony Miragliotta, & Patricia Prunty) (1988)).

In this case, the Civil Service Commission transmitted this case to the OAL as a contested case. Newark, however, argues that it is not. More specifically, Newark argues that the hearing is not required and that the hearing will not result in the adjudication of any right, duty, obligation, privilege, benefit, or some other legal relation because Wilson is not a permanent, full-time member of the police department.

To become a permanent, full-time member of a police department, a person must complete a police training course. N.J.S.A. 52:17B-69.2. During this time, the person shall hold a probationary or temporary appointment. See N.J.S.A. 52:17B-69. And during this time, the person shall be in the title of "trainee," "apprentice," "recruit," or "intern," among others. See N.J.A.C. 4A:3-3.7(a).

In this case, Wilson was in the title of "recruit," that is, "police recruit." Both the preliminary and final notices of disciplinary action identify him as such, and even Forst, in his complaint against Wilson, identified him as such. The question, then, is whether Wilson, as a temporary appointee, is subject to the same disciplinary procedures as a permanent appointee. As the notices of disciplinary action already suggest, the answer is yes.

Upon regular appointment, trainees must successfully complete a working test period, N.J.A.C. 4A:3-3.7(c), and in local service, law enforcement officers who are required to complete a police training course shall not begin their working test period until the Police Training Commission notifies the appointing authority that the law enforcement officer successfully completed the police training course, N.J.A.C. 4A:4-5.2(d)(1).

Nevertheless, major disciplinary procedures applicable to employees serving in a working test period are also applicable to police officers from the date of appointment until the completion of police training. Ibid.

That is this case. Since Wilson did not successfully complete the police training course, his working test period never began. But his employment did not end. Instead, Wilson remained employed as a radio dispatcher, while he waited for the next police training course to begin. And that is why he was served with notices of disciplinary action.

The fact that Newark argued for the first time, at the start of the hearing on June 19, 2016, just before the first witness was to take the stand, that these disciplinary procedures do not apply to Wilson, and that this tribunal does not have jurisdiction over this case, is disconcerting—especially since this case was transmitted to the OAL on January 9, 2018, numerous prehearing telephone conferences were held to discuss both

the procedural and substantive issues of this case, and never once did Newark even suggest that this issue was a threshold issue in this case.

So, given this discussion of the law, I **CONCLUDE** that the disciplinary procedures applicable to employees in a working test period are also applicable to Wilson in this case, and that this tribunal has jurisdiction to hear this case and make its determination.

I also **CONCLUDE** that Newark has not proven by a preponderance of the evidence any of the charges against Wilson in the Final Notice of Disciplinary Action dated April 7, 2016. Although Wilson was arrested by the Irvington Police on March 12, 2016, the charges against him were dismissed on January 26, 2017. To conclude that Wilson engaged in conduct unbecoming for merely having been arrested under charges that were later dismissed would mean that all police recruits who are arrested have engaged in conduct unbecoming a public employee regardless of whether the charges against them are dismissed. Accordingly, the charges against Wilson in this disciplinary action should be dismissed.

Likewise, I **CONCLUDE** that Newark has not proven by a preponderance of the evidence any of the charges against Wilson in the Final Notice of Disciplinary Action dated November 9, 2017. I note that this follows because I had found that Newark had not proven by a preponderance of the evidence any of the salient specifications in the Final Notice of Disciplinary Action dated November 9, 2017. As such, Wilson should be restored to his employment in Newark in the title of police recruit, and the charges against him in this case in this disciplinary action should be dismissed as well.

Finally, I **CONCLUDE** that Wilson should be awarded all requisite back pay, costs, and attorney fees.

### **ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that Wilson be restored to his employment in Newark in the title of "police recruit," and that he be awarded all requisite back pay, costs, and attorney fees.



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, 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.

11/23/18  
DATE

  
BARRY E. MOSCOWITZ, ALJ

Date Received at Agency:

11/23/18

Date Mailed to Parties:

dr

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**APPENDIX**

**Witnesses**

**For Appellant:**

Shastri Persad  
Jason Delgado  
Ramone Wilson

**For Respondent:**

Louis Forst

**Documents**

**For Appellant:**

Wilson 1	Rental Agreement dated September 28, 2014
Wilson 2	Letter from Forst to Wilson dated January 21, 2016
Wilson 3	Fax from Delgado to Forst dated January 21, 2016
Wilson 4	Final Notice of Disciplinary Action dated November 1, 2017
Wilson 5	Judgment of Dismissal dated January 26, 2017
Wilson 6	Final Notice of Disciplinary Action dated April 7, 2016

**For Respondent:**

Ex. A	Email from Wilson to Forst dated January 3, 2016
Ex. B	Fax from Delgado to Forst dated January 21, 2016
Ex. C	Investigation Report by Forst dated January 22, 2016
Ex. D	Letter from Forst to Wilson dated January 25, 2016
Ex. E	Complaint by Forst against Wilson dated January 27, 2016
Ex. F	Letter from Forst to Wilson dated January 29, 2016
Ex. G	Email from Delgado to Forst dated February 5, 2016
Ex. H	Investigative Submission by Forst dated February 8, 2016
Ex. I	Investigative Review by Newark dated February 8, 2016
Ex. J	Preliminary Notice of Disciplinary Action dated January 27, 2017

- Ex. K Department Witness Notification dated February 25, 2016
- Ex. L Final Notice of Disciplinary Action dated November 1, 2017