STATE OF NEW JERSEY

In the Matter of Adrian Figueroa, Jr. Camden County, Department of Parks	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
CSC DKT. NO. 2020-804 OAL DKT. NO. CSV 13829-19	

ISSUED: APRIL 28, 2021 BW

The appeal of Adrian Figueroa, Jr., Laborer 1, Camden County, Department of Parks, removal effective July 17, 2019, on charges, was heard by Administrative Law Judge Dean J. Buono, who rendered his initial decision on March 23, 2021. 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, including its thorough review of the voluminous exceptions filed by the appellant, the Civil Service Commission (Commission), at its meeting of April 28, 2021, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision. In this regard, the Commission notes that it finds none of the exceptions filed sufficiently persuasive to warrant discussion.

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 Adrian Figueroa, Jr.

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 28TH DAY OF APRIL, 2021

Deirdré L. Webster Cobb

Deirdré L. Webster Cobb
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 13829-19
AGENCY DKT. NO. 2020-804

IN THE MATTER OF ADRIAN FIGUEROA, JR., CAMDEN COUNTY DEPARTMENT OF PARKS.

James Katz, Esquire, for appellant, Adrian Figueroa, Jr., (Spear Wilderman, L.L.C., attorneys)

Ilene Lampitt, Assistant County Counsel, for respondent, Camden County Department of Parks (Christopher A. Orlando, County Counsel)

Record Closed: March 12, 2021 Decided: March 23, 2021

BEFORE **DEAN J. BUONO,** ALJ:

STATEMENT OF THE CASE

Appellant, Adrian Figueroa, Jr. (Figueroa, Jr. or appellant), an employee of respondent, Camden County Department of Parks (CCDP or respondent), appeals from the determination of respondent that he be terminated for incidents that occurred on December 18, 2018, December 19, 2019, and December 20, 2019. More specifically, an arrest and ultimate plea of guilty to harassment and misuse of sick time for using sick time to attend the court hearings. Respondent argues that he violated: N.J.A.C. 4A:2-

2.3(a)(6), conduct unbecoming, and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause.[1] The appellant denies that he should be removed.

PROCEDURAL HISTORY

On July 19, 2019, the CCDP issued a Preliminary Notice of Disciplinary Action removing him from his post as of that date. On August 29, 2019, the CCDP issued a Final Notice of Disciplinary Action sustaining the charges and terminating him from employment immediately. Appellant filed a timely notice of appeal.

This matter was transmitted to the Office of Administrative Law on October 1, 2019. N.J.S.A. 40A:14-202(d). Due to the Covid-19 pandemic, the hearing was held via Zoom teleconferencing system on December 10, 2020. The record remained open until March 12, 2021, for the parties to submit closing summations, and the record closed on that date.

FACTUAL DISCUSSION

Testimony

Respondent

Josie Gambale (Gambale) has been employed by Camden County for ten and one-half years. During the time of this incident she was employed by the Parks Department as a clerk and dealt with sick leave and employee vacation. She explained that an employee would have to call and report sick or vacation time and it would be documented. On December 19 and 20, 2019, Figueroa called out sick. (Exhibit C.)

[1] During the hearing, it was addressed that the County did not include the County Sick Policy in the enumerated charges, however, in the "incidents giving rise section of the FNDA" it was discussed as a reason for appellant's disciplinary charges. In its closing summations submitted to the court, respondent inappropriately requested that the sick time policy be included in this decision. They allege it is germane to the appellant's continual disregard for conduct of a public employee. However, aside from the obvious procedural and constitutional deficiencies, the undersigned will not consider any charge that is not enumerated in the FNDA.

She further explained that it is the County's policy that an employee is to use sick time for a personal illness or family illness only. Here, he used sick time to attend court hearings. A court date is not an appropriate use of sick time, as in this case.

On cross-examination it was admitted that she did not know if Figueroa told someone to call out for him or how the transaction occurred. She did note that Figueroa was incarcerated on December 21, 2019.

Magdelene McCannjohns (McCannjohns) has been employed by Camden County as the director of Parks since January 2018. Prior to that she worked as an environmental educator and has been employed with Camden County since 2013.

She recalled that Figueroa was employed as a laborer one truckdriver, due to the fact that he had a commercial driver's license (CDL). His job duties are described accurately in Exhibit A. She noted that it is possible for Figueroa as a laborer with the Camden County Department of Parks to interact with members of the public.

On cross-examination she noted that the bulk of Figueroa's job description is to erect and dismantle displays and barricades for events. She never saw him interact with any members of the public, but it's possible. There was some questioning with respect to Camden County having a supplemental labor program that involves low-level offenders performing tasks for Camden County.

Emeshe Arzon (Arzon) is currently the Cherry Hill Township solicitor. Prior to that employment she was assistant county counsel for three years for Camden County. She was informed about Figueroa's incarceration and the fact that he was charged with sexual assault. (Exhibit B, charges only.) Figueroa received an appropriate Loudermill hearing and was released from Camden County Jail on December 22, 2019. Notably, he was marked out sick on December 19, December 20 and December 21 of the same year however, he was in jail. Either he or someone called him out sick those days.

Apparently, he pled guilty to a lesser charge, harassment offensive touching N.J.S.A. 2C:33-4(b), which is graded as a petit disorderly persons offense. (Exhibits E,

F, and I.) Arzon testified that the County's policy on removal is based on the offense itself that qualifies as conduct unbecoming. The grade of the offense is not the concern here, it's the conduct in and of itself. Coupled with Figueroa's prior discipline, the only appropriate result in this case is removal. (Exhibit K.)

On cross-examination, she explained that Camden County did not make any determination of the underlying facts that resulted in the charges. Also, they did not choose to go the route of the Forfeiture Act despite the original charge being graded as a second degree. She admitted that she had no personal knowledge of the incident; she only relied on the complaint.

Appellant

Jeffrey Zucker (Zucker) is a former Camden County assistant prosecutor and has practiced criminal law since 1973. He has had thousands of clients and hundreds of trials. He was Figueroa's criminal attorney for the original case that brought about this appeal. He noted that the original charges were downgraded to a petit disorderly persons offense, which is not a criminal charge. Despite being in the New Jersey Criminal Code related to Section 2C, it is considered a quasi-criminal offense. The underlying offense in this case was not related to his work and Camden County; it was a private matter.

Zucker testified that harassment offensive touching is pushing and shoving intentionally or threatening to do so.

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,

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).

The testimony of the respondent's witnesses was especially credible and persuasive. Their testimony was clear and concise. It was obvious that they all had concerns about these incidents and the safety and sanctity of the individuals working in the Parks Department and Camden County. Zucker's testimony was also credible.

After hearing the testimony and reviewing the evidence, I **FIND**, by a preponderance of credible evidence, that Figueroa was employed by the Camden County Department of Parks. I **FURTHER FIND** that on December 18, 2018, Figueroa, Jr., committed an offense that gave rise to this appeal. I **FURTHER FIND** that on July 10, 2019, he pled guilty to a downgraded charge of N.J.S.A. 2C:33–4b, harassment, offensive contact. I **FURTHER FIND** that Figueroa used sick time to attend several court hearings. I **FURTHER FIND** that on August 29, 2019, Figueroa was removed from his position as laborer one with the Camden County Parks Department because of sustained charges of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming, and N.J.A.C. 4A:2.-3(a)(12), other sufficient cause.

CONCLUSIONS OF LAW

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 duties. 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).

The respondent sustained charges of violations of: N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming, and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause. Again, during the hearing, it was addressed that the County did not include the County Sick Policy in the enumerated charges, however, in the "incidents giving rise section of the FNDA" it was discussed as a reason for appellant's disciplinary charges. In its closing summations

submitted to the court, respondent inappropriately requests that the sick time policy be included in this decision. They allege it is germane to the appellant's continual disregard for conduct of a public employee. However, aside from the obvious procedural and constitutional arguments, the undersigned will not consider any charge that is not enumerated in the FNDA.

Respondent sustained charges against appellant for conduct unbecoming a public employee, N.J.A.C. 4A:2-2.3(a)(6). "Conduct unbecoming a public employee" is an elastic phrase that encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atlantic 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, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). Such misconduct need not necessarily "be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct." Hartmann v. Police Dep't of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955)). Suspension or removal may be justified where the misconduct occurred while the employee was off duty. Emmons, 63 N.J. Super. at 140.

There is no precise definition for conduct unbecoming a public employee, and the question of whether conduct is unbecoming is made on a case-by-case basis. King v. County of Mercer, CSV 2768-02, Initial Decision (February 24, 2003), adopted, Merit Sys. Bd. (April 9, 2003), http://njlaw.rutgers.edu/collections/oal/. In Jones v. Essex County, CSV 3552-98, Initial Decision (May 16, 2001), adopted, Merit Sys. Bd. (June 26, 2001), http://njlaw.rutgers.edu/collections/oal/, it was observed that conduct unbecoming a public employee is conduct that adversely affects morale or efficiency or has a tendency to destroy public respect for governmental employees and confidence in the operation of public services. In Karins, an off-duty firefighter directed a racial epithet at an on-duty police officer during a traffic stop. As stated, the Court noted that the

phrase "unbecoming conduct" is an elastic one that includes any conduct that adversely affects morale or efficiency by destroying public respect for municipal employees and confidence in the operation of municipal services. Id. at 554. In Hartmann, the Court stated that a finding of 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, which devolves upon one who stands in the public eye as an upholder of that, which is morally and legally correct."

It is difficult to contemplate a more basic example of conduct that could destroy public respect in the delivery of governmental services than the image of a Department of Parks employee committing a harassment-related contact offense against another individual. And, on top of that, using his sick time to attend the hearings. In this day and age of transparency, it is clear that Figueroa's conduct can adversely affect morale or efficiency and can destroy the public's respect for governmental employees and confidence in the operation of public services.

Appellant argued that the conduct giving rise to the disciplinary action taken by the County occurred while he was off duty, with someone he knew, and that he did not tell the woman that he was a County employee and that for these reasons the County does not have the authority to remove him. That argument is without merit. Irrespective of the gradation of the charge, it is the fact that he plead guilty to the harassing offensive contact. The inkling that behavior of this nature is acceptable is reprehensible. Also, to use sick time for any other purpose other than a medical reason, let alone a court date, is not appropriate. Despite appellant's narrow view of the rules of evidence as indicated in the summary closing submission and without considering the affidavits of probable cause from the complaint of the underlying charge, **I CONCLUDE** that appellant's actions in harassing behavior and using sick time constitutes unbecoming conduct because they are that egregious. The charge of violating N.J.A.C. 4A:2-2.3(a)(6) is hereby **SUSTAINED**.

Appellant has also been charged with violating N.J.A.C. 4A:2-2.3(a)(12), "other sufficient cause." Other sufficient cause is an offense for conduct that violates the implicit standard of good behavior that devolves upon one who stands in the public eye

as an upholder of that which is morally and legally correct. Asbury Park v. Dep't of Civil Serv., 17 N.J. 419 (1955). Appellant conducted himself in a manner that violated standards of good behavior and the higher level of conduct that is expected of him as an employee of the Camden County Parks Department. His actions were a clear violation of criminal law because the N.J.S.A. 2C:33-4(b) charge is enumerated in the New Jersey Code of Criminal Conduct. Employees of county government should not be engaged in any criminal activity, period. As set forth in the findings of facts and as discussed above, appellant's conduct in this case violates the implicit standard of good behavior one would expect from an employee of Camden County. Therefore, I **CONCLUDE** that the respondent has met its burden of proof in establishing a violation of other sufficient cause by a preponderance of the credible evidence.

Accordingly, I **CONCLUDE** that the appointing authority has met its burden in demonstrating a violation of N.J.A.C. 4A:2-2.3(a)(12) (other sufficient cause) and the charge is hereby **SUSTAINED**.

PENALTY

In West New York v. Bock, 38 N.J. 500, 522 (1962), which was decided more than fifty years ago, our Supreme Court first recognized the concept of progressive discipline, under which "past misconduct can be a factor in the determination of the appropriate penalty for present misconduct." In re Herrmann, 192 N.J. 19, 29 (2007) (citing West New York v. Bock, 38 N.J. at 522). The Court therein concluded that "consideration of past record is inherently relevant" in a disciplinary proceeding, and held that an employee's "past record" includes "an employee's reasonably recent history of promotions, commendations and the like on the one hand and, on the other, formally adjudicated disciplinary actions as well as instances of misconduct informally adjudicated, so to speak, by having been previously brought to the attention of and admitted by the employee." West New York v. Bock, 38 N.J. at 523–524.

As the Supreme Court explained in In re Herrmann, 192 N.J. at 30, "[s]ince Bock, the concept of progressive discipline has been utilized in two ways when determining the appropriate penalty for present misconduct." According to the Court:

> . . . First, principles of progressive discipline can support the imposition of a more severe penalty for a public employee who engages in habitual misconduct . . . .
>
> The second use to which the principle of progressive discipline has been put is to mitigate the penalty for a current offense . . . for an employee who has a substantial record of employment that is largely or totally unblemished by significant disciplinary infractions . . . .
>
> . . . [T]hat is not to say that incremental discipline is a principle that must be applied in every disciplinary setting. To the contrary, judicial decisions have recognized that progressive discipline is not a necessary consideration when . . . the misconduct is severe, when it is unbecoming to the employee's position or renders the employee unsuitable for continuation in the position, or when application of the principle would be contrary to the public interest.
>
> [In re Herrmann, 192 N.J. at 30–33 (citations omitted).]

In the case of In re Carter, 191 N.J. 474 (2007), the Court decided that the principle of progressive discipline did not apply to the sanction of a police officer for sleeping on-duty and, notwithstanding his unblemished record, it reversed the lower court and reinstated a removal imposed by the Board. The Court noted the factor of public-safety concerns in matters involving the discipline of correction officers and police officers, who must uphold the law and "present an image of personal integrity and dependability in order to have the respect of the public." In re Carter, 191 N.J. 474 (2007).

In the matter of In re Stallworth, 208 N.J. 182 (2011), a Camden County pump-station operator was charged with falsifying records and abusing work hours, and the ALJ imposed removal. The Civil Service Commission (Commission) modified the penalty to a four-month suspension and the appellate court reversed. The Court re-examined the principle of progressive discipline. Acknowledging that progressive discipline has been bypassed where the conduct is sufficiently egregious, the Court noted that "there must be fairness and generally proportionate discipline imposed for similar offenses." In re Stallworth, 208 N.J. 182, 208 (2011). Finding that the totality of an employee's work history, with emphasis on the "reasonably recent past," should be considered to assure proper

progressive discipline, the Court modified and affirmed (as modified) the lower court and remanded the matter to the Commission for reconsideration.

Maintenance of strict discipline is important in military-like settings such as police departments, prisons, and correctional facilities. Rivell v. Civil Serv. Comm'n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 50 N.J. 269 (1971); City of Newark v. Massey, 93 N.J. Super. 317 (App. Div. 1967). Refusal to obey orders and disrespect of authority cannot be tolerated. Cosme v. Borough of E. Newark Twp. Comm., 304 N.J. Super. 191, 199 (App. Div. 1997).

Furthermore, it has been held that termination without progressive discipline is appropriate in circumstances where an employee cannot competently perform the work required of his position. Klusaritz v. Cape May Cty., 387 N.J. Super. 305, 317 (App. Div. 2006), certif. denied, 191 N.J. 318 (2007). In Klusaritz, the panel upheld the removal of a principal accountant on charges of inability to perform duties, among other things, based on proof that the employee had consistently failed to perform the duties of his position in a timely and proper manner, and had also failed or refused to accept direction with respect to performance of these duties.

In the present matter, respondent has brought and sustained charges of violations of N.J.A.C. 4A:2-2.3(a)(6) (conduct unbecoming a public employee) and N.J.A.C. 4A:2-2.3(a)(12) (other sufficient cause). Appellant suggests that imposing a penalty less than removal is appropriate. He asserts that there is no harm to respondent by imposing a suspension. Respondent argues that appellant's behavior alone warrants removal even if the charge is a petit disorderly persons offense. I wholeheartedly agree.

The record reflects that appellant's disciplinary record was not unremarkable prior to the incident that is the subject of this matter of this appeal. Appellant has been disciplined for conduct unbecoming a public employee in the past. On February 11, 2014, amended on February 14, 2014, appellant received a three-day minor suspension for incompetency, inefficiency or failure to perform duties (N.J.A.C. 4A:2-2.3(a)l), and conduct unbecoming a public employee (N.J.A.C. 4A:2-2.3(a)6). Appellant used excessive force while cleaning off the windshield of his truck which caused the windshield to shatter and he transmitted the following message to every employee

in the Public Works Department including the Director, working the snowstorm: "You have to be white to get a new vehicle around here." On December 22, 2015, appellant was served with a PNDA seeking his removal. Appellant was charged with conduct unbecoming a public employee (N.J.A.C. 4A:2-2.3(a)(6)); other sufficient causes (N.J.A.C. 4A:2-2.3(a)12), Camden County Policy #401 authorized use of County vehicles, and Camden County Policy #34.0 changing vital information. The parties ultimately settled the matter and appellant served a four-month suspension.

Here, Figueroa harassed and acted with the intent to harass and intentionally touch another person in an offensive manner. The actions of committing the criminal harassment and using sick time to attend court appearances certainly constitutes misconduct that is so severe; that it is unbecoming to the employee's position; and that renders the employee unsuitable for continuation in the position.

Considering the foregoing, the testimony, evidence, and arguments in this matter, I am compelled to **CONCLUDE** that the respondent has proven, by a preponderance of credible evidence, that appellant engaged in conduct so egregious that application of progressive discipline is not appropriate. **I FURTHER CONCLUDE** that respondent presented the basis for appellant's removal from employment, and that such a removal should be **AFFIRMED**.

DECISION AND ORDER

I ORDER that the charges of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming, and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, be **SUSTAINED**. **I FURTHER ORDER** that respondent's action terminating appellant 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. 40A:14-204.

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.

March 23, 2021
DATE

DEAN J. BUONO, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

mph

APPENDIX

LIST OF WITNESSES:

For appellant:

Jeffrey Zucker

For respondent:

Josie Gambale
Magdelene McCannjohns
Emeshe Arzon

LIST OF EXHIBITS:

For appellant:

P-1 Forfeiture statute
P-2 N.J.S.A. 2C:1-4 (classes of offenses)
P-3 Plea Agreement
P-4 E-mails/letters to Union and Ms. Arzon
P-5 Camden County Removal Policy

For respondent:

R-A Job Description
R-B Criminal Complaint (Only)
R-C Sick Leave Callout and Policy

R-D Preliminary Notice of Disciplinary Action 31-A, Final Notice of Discipline 31-B

R-E Criminal Event Sheet

R-F N.J.S.A. 2C:33-4

R-G Laudermill Letter

R-H Not Admitted into evidence

R-I Final Notice of Discipline 31-B

R-J Appeal Documents

R-K Figueroa's Prior Discipline

R-L Preliminary Notice of Disciplinary Action 31-A, Final Notice of Discipline 31-B