



STATE OF NEW JERSEY

In the Matter of Ian Brundage, *et al.*,
Police Captain, various jurisdictions

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

CSC Docket Nos. 2025-940, *et al.*

Examination Appeal

ISSUED: April 9, 2025

Ian Brundage (PM3741F), Bloomfield; Sean Cahill (PM3785F), New Brunswick; Michael Clark (PM3820F), Winslow; Eric Santos (PM3786F), Newark; and Ryan Uzunis (PM3788F), North Brunswick; appeal the promotional examination for Police Captain (various jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

The subject exam consists of two parts: a multiple-choice portion and an oral portion. The multiple-choice (written) portion was administered on October 8, 2024 and consisted of 70 multiple choice questions.

Clark presents that he was not permitted to review his scored answer sheet. In addition, he contends that his ability to take notes on exam items was substantially limited. As such, he requests that any appealed item in which he selected the correct response be disregarded and that the merits of his appeal be addressed even though the language of the test content he appeals is paraphrased.

It is noted that the review procedure is not designed to allow candidates to retake the examination, but rather to allow candidates to recognize flawed questions. First, it is presumed that most of the questions are not flawed and would not require more than a cursory reading. Second, the review procedure is not designed to facilitate perfection of a candidate's test score, but rather to facilitate perfection of the scoring key. To that end, knowledge of what choice a particular appellant made is not required to properly evaluate the correctness of the official scoring key. Appeals

of questions for which the appellant selected the correct answer are not improvident if the question or keyed answer is flawed.

With respect to paraphrased items, to the extent that it is possible to identify the items in question, they are reviewed. It is noted that it is the responsibility of the appellant to accurately describe appealed items.

An independent review of the issues presented under appeal has resulted in the following findings:

Question 2 provides that a citizen submits an internal affairs complaint against Officer Dawson, stating that the officer loudly cursed at her when he was issuing her a motor vehicle summons after conducting a motor vehicle stop for her failure to signal when changing lanes. After a thorough investigation, including reviewing the footage from the officer's body worn camera (BWC) that was recording throughout the motor vehicle stop, it was determined that the officer did not curse at the citizen. The question asks, "Based on the N.J. Attorney General's Internal Affairs Policy and Procedures [(IAPP) (Revised November 2022)], how should the resolution of the complaint be classified?" The keyed response is option a, Unfounded.¹ Uzunis argues that the best response is option b, Not Sustained. According to Uzunis, "[t]he investigation only reviewed the officer's conduct during the stop and did not provide any clues or information about what occurred after the stop was concluded . . . The BWC will not capture what was said in the police vehicle or after the conclusion of the stop. The investigation did not mention reviewing radio communications or the dash cam in the vehicle—only the BWC footage . . . [T]he information provided by the

¹ Specifically, IAPP Section 2.2 Rules and Regulations provides:

2.2.3 The rules and regulations shall provide for uniform classification of the resolution of complaints as follows:

(a) Sustained. A preponderance of the evidence shows an officer violated any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.

(b) Unfounded. A preponderance of the evidence shows that the alleged conduct did not occur.

(c) Exonerated. A preponderance of the evidence shows the alleged conduct did occur, but did not violate any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training. (For example, at the conclusion of an investigation into an excessive force allegation, the agency finds that the officer used force (alleged conduct) but that the force was not excessive (alleged violation).)

(d) Not Sustained. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

complainant alleged a serious rule infraction: Conduct Unbecoming an Officer. However, the only information reviewed was the BWC footage from the stop, with no evidence gathered after the stop, aside from the complainant's statement that the officer cursed loudly at her while issuing the summons. It remains unclear whether the officer's conduct occurred while in his patrol vehicle, via radio communication, over a loudspeaker, or after the stop was concluded . . . The limited information provided in the question fails to clearly disprove the allegation." As noted, the question specified that the alleged cursing occurred when the officer was issuing the summons; that the investigation was *thorough*; that the investigation *included* reviewing the BWC footage, not that that the investigation *only included* reviewing the BWC footage; and that it *was determined* that the officer did not curse at the citizen. Based on the information clearly provided in the question, option b is not the best response. Accordingly, the question is correct as keyed.

Question 4 indicates that your subordinate has exhibited inadequate performance and that you must determine what action to take in response to this. The question asks, based on the IAPP, for the action(s) that can be used as instructional or remedial devices to address deficiencies or inadequate performance in lieu of discipline. The keyed response, option c, includes action I, Enhanced supervision; action II, Re-training; and action III, Counseling; but does not include action IV, Written reprimand.² Uzunis argues that a written reprimand can be used based on IAPP Sections 2.2.4 and 6.2.6.³ Uzunis asserts that the IAPP "grants Chief Law Enforcement Officers the discretion to add departmental rules and regulations while adopting the [IAPP]. For this reason, written reprimands can technically be used to address inadequate performance in lieu of more severe disciplinary actions as a remedial device." Uzunis notes, "While there is no singular, universally cited definition of a remedial device, it is generally understood across various fields (including law, education, and business) as a tool intended to correct, improve, or remedy an issue, behavior, or performance deficiency." As noted, the question asks for the action(s) that can be used as instructional or remedial devices to address

² Specifically, IAPP Section 2.2 Rules and Regulations provides:

2.2.4 In addition, the rules and regulations should set forth a schedule of possible penalties an officer might receive when discipline is imposed. The rules and regulations may incorporate a system of progressive discipline. Progressive discipline serves an important role in the process by which the agency deals with complaints of misconduct or inappropriate behavior. In lieu of discipline, counseling, re-training, enhanced supervision, oral reprimand and performance notices can be used as instructional or remedial devices to address deficiencies or inadequate performance.

³ Specifically, IAPP Section 6.2 Investigation and Adjudication of Minor Complaints provides:

6.2.6 Each agency should establish its own protocol for reviewing and purging performance notices and oral reprimands from an employee's personnel file. Written reprimands should remain permanently in the employee's personnel file.

deficiencies or inadequate performance in lieu of discipline *based on the IAPP*. Written reprimands are considered part of progressive *discipline* under the IAPP.⁴ Accordingly, the question is correct as keyed.

Question 23 indicates that you are reviewing with your subordinates *N.J.S.A. 2C:39-7*, which addresses the fact that certain persons are not permitted to have weapons or ammunition. The question asks, “[a]ccording to *N.J.S.A. 2C:39-7*, a person having been convicted in this State or elsewhere of which of these crimes is not permitted to purchase, own, possess, or control a firearm?” The keyed response, option c, includes I. Extortion; II. Burglary; and III. Sexual Assault; but does not include IV. Criminal Sexual Contact.⁵ Santos presents that the statute “extends the certain persons criteria to include other crimes and disorderly persons offenses involving Domestic Violence that would prohibit a convicted individual from possessing a weapon. An individual convicted of an offense under Domestic Violence 2C:25-19 includes Extortion, Burglary, Sexual Assault, and **Criminal Sexual**

⁴ Specifically, IAPP Section 2.2 Rules and Regulations provides: “2.2.6 A system of progressive discipline can include the following elements: . . . (b) Written reprimand.”

⁵ *N.J.S.A. 2C:39-7b(1)* provides:

A person having been convicted in this State or elsewhere of the crime, or an attempt or conspiracy to commit the crime, of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation in violation of N.J.S.2C:16-1, carjacking in violation of section 1 of P.L.1993, c.221 (C.2C:15-2), gang criminality in violation of section 1 of P.L.2007, c.341 (C.2C:33-29), racketeering in violation of N.J.S.2C:41-2, terroristic threats in violation of N.J.S.2C:12-3, unlawful possession of a machine gun in violation of subsection a. of N.J.S.2C:39-5, unlawful possession of a handgun in violation of paragraph (1) of subsection b. of N.J.S.2C:39-5, unlawful possession of an assault firearm in violation of subsection f. of N.J.S.2C:39-5, leader of firearms trafficking network in violation of section 1 of P.L.1995, c.405 (C.2C:39-16), endangering the welfare of a child pursuant to N.J.S.2C:24-4, stalking pursuant to P.L.1992, c.209 (C.2C:12-10) or a crime, or an attempt or conspiracy to commit a crime, involving domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or not armed with or having in the person’s possession a weapon enumerated in subsection r. of N.J.S.2C:39-1, or a person having been convicted of a crime, or an attempt or conspiracy to commit a crime, pursuant to the provisions of N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive; section 1 of P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11; N.J.S.2C:39-3; N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases, owns, possesses or controls a firearm is guilty of a crime of the second degree and upon conviction thereof, the person shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term, which shall be fixed at five years, during which the defendant shall be ineligible for parole. If the defendant is sentenced to an extended term of imprisonment pursuant to N.J.S.2C:43-7, the extended term of imprisonment shall include the imposition of a minimum term, which shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall be ineligible for parole.

Contact along with other crimes.⁶ Based on this information, an individual who is Convicted of the Crime of Criminal Sexual Contact under The Prevention of Domestic Violence Act would be considered Certain Persons Prohibited from purchasing, owning, possessing or controlling a firearm under *N.J.S.A. 2C:39-7*.” Uzunis similarly argues that criminal sexual contact would fall within the scope of the statute. According to *N.J.S.A. 2C:39-7*, a person having been convicted in this State or elsewhere of the crimes of extortion, burglary, or sexual assault is not permitted to purchase, own, possess, or control a firearm. Although a conviction specifically for the crime of criminal sexual contact involving domestic violence presents a similar bar, the specific crime of criminal sexual contact *involving domestic violence* was not presented in the question stem. Accordingly, the question is correct as keyed.

Question 26 refers to Michael Carpenter and Roger Fulton, *Law Enforcement Management: What Works and What Doesn't* (1st ed. 2010) and indicates that Lieutenant Muldoon submitted a report to you this morning when it was due yesterday afternoon. Submitting work late was unusual behavior for him. Later in the day, when you had time in your schedule, you met with Lieutenant Muldoon to address the fact that he missed the deadline for submitting the report. While attempting to criticize him effectively, you said something positive about his overall worth to the department, told him that you were concerned by his tendency to submit work late, and asked if he had an explanation for his behavior. The question asks, based on the text, for the true statement. The keyed response is option a, that you should have been more specific in describing the conduct that you found to be problematic.⁷ Cahill argues that the best response is option d, that you correctly followed Carpenter and Fulton’s guidelines for how to criticize someone effectively. Cahill argues that in the text, “while it does say to be specific, it states[,] ‘be sure to address specific conduct at the date, time, [and] place it occurred[,]’ which is what [option d] says . . . [Option a] does not address any of the other portions covered in the [text] dealing with [effective criticism] . . . For these reasons, I feel that [option d] should be the correctly keyed answer or that both [option a] and [option d] should be keyed as correct answers.” Option d is not an acceptable response. The text clearly indicates that a phrase such as, “You are always late with your reports,” is not acceptable. The question clearly provides that submitting work late was “unusual

⁶ *N.J.S.A. 2C:25-19a* provides, in pertinent part: “ ‘Domestic violence’ means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor: . . . (8) Criminal sexual contact *N.J.S.2C:14-3*.”

⁷ The text, under the heading, “Be Specific,” provides:

Be sure that you address specific conduct at the date, time, and place it occurred.

A phrase such as, “You are always late with your reports,” is not acceptable. A better phrase such as, “You missed the April 20th deadline for your report,” is much more acceptable.

behavior” for Lieutenant Muldoon, yet you told him that you were concerned by his “tendency” to submit work late, which is not accurate. Rather, per the text, you should have been more specific in describing the problematic conduct. Accordingly, the question is correct as keyed.

Question 42 indicates that you aim to be vigilant in detecting signs of stress in your subordinates so that you can offer assistance when needed. While performing the job of a law enforcement officer involves a certain degree of stress due to the nature of the work, you have found that some people seem to thrive on stress while others suffer from mental or physical problems because of it. The question asks, according to Carpenter and Fulton, *supra*, “which of these can contribute to the level of stress one experiences and/or their reaction to it?” The keyed response is option d, I. degree of job training one has received; II. general positive or negative attitude one exhibits; III. ability to maintain an appropriate sense of humor; and IV. performance standards that have been set by one’s commander. Brundage notes that the relevant part of the text discusses “a few things that successful commanders do to minimize their stress and its consequences.” Brundage continues that “[t]he section on managing stress focuses on what you, as the commander, can do to manage your stress level. In ‘Be Technically Proficient,’ the section states that the police commander must be well-trained to remove the stressor of insufficient knowledge. In ‘Maintain a Positive Attitude,’ it states that having a positive attitude makes it easier to handle problems. It then states that good commanders see problems as minor obstacles. In ‘Maintain Your Sense of Humor,’ it states that ‘[m]any commanders find that a bit of humor can dramatically reduce the stress’ The concept of the section is that the commanders are managing their stress” The text discusses how *commanders* may minimize their stress. Given that the question stem did not specify that the “subordinates” were themselves commanders, Division of Test Development, Analytics and Administration determined to omit this item from scoring prior to the lists being issued.

Question 51 indicates that promotions come with increased duties and responsibilities, which means you have more work that you will need to accomplish. You are concerned about being able to complete your work by the established deadlines. The question asks for the solution NOT mentioned by Carpenter and Fulton, *supra*, for how to manage your time better. The keyed response is option c, Increase your workday by working extra hours or additional days.⁸ Clark contends

⁸ The text, under the section, “Getting a Handle on Your Time,” in pertinent part, provides:

With every promotion you receive comes an increase in the amount of duties and responsibilities you have to handle. Unfortunately, you don’t get a corresponding increase in the number of hours in a day, nor extra days in the week, to handle that increased workload.

that option a, Make use of quiet times, slightly before or after your regular shift, is the best response because its wording “led me to believe that an individual would be increasing their workday hours.” Clark argues that option a “was referenced by the [text] as not the better solution but not an incorrect solution. [Option a] did not specify whether those times are built into the workday or whether it was added to the workday[,] which is misleading.” Clark notes that the text indicates, “Don’t add quiet times to your workday! Schedule them as a part of your regular workday.” Clark maintains that “[t]he [text] was very specific that it was not an increase in your workday but scheduled within.” The text does not endorse increasing your workday by working extra hours or additional days but does endorse making use of quiet times, slightly before or after your regular shift.⁹ Accordingly, the question is correct as keyed.

Question 59 indicates that you are writing a narrative to be included in a report and asks for the best sentence to include in the report based on grammar, punctuation, spelling, and/or clarity of expression. The keyed response is option d, “The campaign had a positive effect on the safety of our city’s roadways; the personnel who spent time planning the campaign should feel proud of themselves.” Uzunis argues that option b, “The campaign had a positive affect on the safety of our city’s roadways, the personnel who spent time planning the campaign should feel proud of themselves,” is also an acceptable response. Uzunis maintains that “[w]hile it is true that affect is more commonly used as a verb and effect as a noun when discussing outcomes, the sentence may still be valid because the comma creates a subtle pause between two closely related ideas . . . While traditionally, a semicolon would be used to separate two independent clauses, the comma provides a softer, more conversational connection between the ideas.” Option b is not an acceptable response due to the clearly incorrect usages of “affect” and the comma. Accordingly, the question is correct as keyed.

CONCLUSION

A thorough review of appellants’ submissions and the test materials reveals that, other than the scoring change noted above, the appellants’ examination scores are amply supported by the record, and the appellants have failed to meet their burden of proof in this matter.

In order to meet their new challenges, many newly promoted officers will increase their workday, sometimes to as much as 12 to 16 hours a day, and will give the department an extra day or two a week, without any additional pay or benefits.

A better solution is to take charge of your new career. Look realistically at what duties you must perform on a daily basis. Then work smarter, and more efficiently, to get the work done in a reasonable amount of time.

⁹ The text, under the heading, “Manage Your Time,” provides: “Other hints *include* making use of quiet times, slightly before or after your regular shift” (emphasis added).

ORDER

Therefore, it is ordered that these appeals be denied.

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 9TH DAY OF APRIL, 2025



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Ian Brundage (2025-940)
Sean Cahill (2025-944)
Michael Clark (2025-967)
Eric Santos (2025-945)
Ryan Uzunis (2025-913)
Division of Administrative and Employee Services
Division of Test Development, Analytics and Administration
Records Center