



**STATE OF NEW JERSEY**

In the Matter of Daniel Spagnuolo,  
Lakewood, Police Department

CSC DKT. NO. 2025-1606  
OAL DKT. NO. CSR 03226-25

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

**ISSUED: NOVEMBER 26, 2025**

The appeal of Daniel Spagnuolo, Police Officer, Lakewood, Police Department, removal, effective January 27, 2025, on charges, was heard by Administrative Law Judge Nicole T. Minutoli, who rendered her initial decision on October 24, 2025. Exceptions were filed on behalf of the appellant and a reply was filed on behalf of the appointing authority.

Having considered the record and the ALJ's initial decision, including a thorough review of the exceptions, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of November 26, 2023, accepted and adopted the Findings of Fact and Conclusion as contained in the attached ALJ's initial decision and her recommendation to uphold the removal.

As indicated above, the Commission thoroughly reviewed the exceptions filed in this matter. Upon that review, it finds that those filings do not persuade the Commission that the ALJ's findings and conclusions, or her recommendation to uphold the removal were arbitrary, capricious or unreasonable. Accordingly, it upholds those actions for the reasons expressed by the ALJ. It makes only the following comments regarding the penalty.

In addition to its consideration of the seriousness of the underlying incident in determining the proper penalty, the Commission also utilizes, when appropriate, the concept of progressive discipline. *West New York v. Bock*, 38 N.J. 500 (1962). In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant's offense, the concept of progressive discipline, and the employee's prior record. *George v. North Princeton Developmental Center*, 96 N.J.A.R. 2d (CSV) 463. 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. *See Henry v. Rahway State Prison*, 81 N.J. 571 (1980). It is settled that the theory of progressive discipline is not a "fixed and immutable rule to be followed without question." Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. *See Carter v. Bordentown*, 191 N.J. 474 (2007). In this regard, the Commission emphasizes that a Police Officer is a law enforcement officer who, by the very nature of his job duties, is held to a higher standard of conduct than other public employees. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also, In re Phillips*, 117 N.J. 567 (1990). Moreover, even when a Police Officer does not possess a prior disciplinary record after many unblemished years of employment, the seriousness of an offense such as in this matter may, nevertheless, warrant the penalty of removal.

Regarding the penalty, the ALJ found that:

Spagnuolo is not an ordinary citizen. He volunteered to be trained as a police officer and serve the public. He agreed to the rules and regulations of the Lakewood Township Police Department. Spagnuolo was not only untruthful but also deceitful. Spagnuolo's reasons for lying, while compassionate in trying to protect his father, do not excuse his actions. As a sworn officer, he was entrusted with upholding the law and maintaining public trust. By choosing deception over integrity, he compromised that trust and undermined the standards expected of law enforcement. His conduct was egregious enough to warrant his removal. I therefore **CONCLUDE** that removal is the appropriate penalty.

The Commission wholeheartedly agrees with the above assessment and finds that removal from employment is neither disproportionate to the offense nor shocking to the conscious.

### 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 Daniel Spagnuolo.

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 26<sup>TH</sup> DAY OF NOVEMBER, 2025

A handwritten signature in cursive script that reads "Allison Chris Myers". The signature is written in dark ink on a light background.

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Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
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. CSR 03226-25

AGENCY DOCKET NO. N/A

**IN THE MATTER OF DANIEL  
SPAGNUOLO, LAKEWOOD TOWNSHIP  
POLICE DEPARTMENT.**

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**Charles J. Uliano**, Esq., for appellant (Chamlin, Uliano & Walsh, PA, attorneys)

**Steven Secare**, Esq., for respondent (Secare & Hensel, Attorneys at Law,  
attorneys)

Record Closed: October 2, 2025

Decided: October 24, 2025

BEFORE **NICOLE T. MINUTOLI**, ALJ:

**STATEMENT OF THE CASE**

Appellant, Daniel Spagnuolo, appeals his removal from his position of police officer with the Lakewood Township Police Department (Lakewood) because he provided false information and was untruthful in the course of an official investigation. Can an employee be terminated for being untruthful in an official investigation? Yes, under N.J.A.C. 4A:2-

2.3,<sup>1</sup> public employees must conduct themselves in a manner that is morally and legally acceptable.

### **PROCEDURAL HISTORY**

On January 27, 2025, Spagnuolo was terminated by Final Notice of Disciplinary Action (FNDA) for violation 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—violation of Lakewood’s Rules 2:1.3-5, 3:1.4, 3:1.10, 3:13.5. On February 12, 2025, Spagnuolo appealed this determination directly to the Office of Administrative Law under N.J.S.A. 40A:14-202(d). I held prehearing conferences on February 27, 2025, and April 16, 2025. On July 16, 2025, the parties appeared for an in-person hearing, during which testimony was taken, and documents were admitted into evidence. The hearing concluded the same day, and the record remained open for the parties to obtain transcripts and submit post-hearing briefs. I received both parties’ post-hearing briefs on October 2, 2025, and the record closed.

### **DISCUSSION AND FINDINGS OF FACT**

The parties submitted joint exhibits and a Joint Statement of Undisputed Facts. (J-1.) Based upon a review of the testimony and the joint documentary evidence presented, and having had the opportunity to observe the demeanor and assess the credibility of the witnesses who testified, I **FIND** the following pertinent **FACTS** and accept the testimony set forth below as **FACT**.

Spagnuolo has been employed as a police officer since 2018. On November 9, 2024, Spagnuolo was hunting with his father in Salem County on property owned by his father’s employer. (J-1.) The owner of the adjoining property confronted Spagnuolo for trespassing on his property and called New Jersey Fish and Wildlife. (J-1.) Wildlife officer

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<sup>1</sup> The Preliminary Notice of Disciplinary Action dated January 15, 2025, and the Final Notice of Disciplinary Action dated January 27, 2025, cite to N.J.A.C. 4A:1-5.8, which discusses disability discrimination grievance procedure. I am assuming this is incorrect and the proper regulatory provision for the charges should be N.J.A.C. 4A:2-2-3.

Wesley Kille arrived at the scene to investigate the complaint of trespassing. (J-1; J-3.) Spagnuolo initially told Kille that he did not have his hunting license on him and identified himself as a Lakewood police officer. Kille conducted a permit check and found that Spagnuolo was licensed but did not possess the necessary permits to hunt during that specific time of year. (J-3.)

Spagnuolo stated that he thought the property owner had given permission to hunt on this property, that he had a companion with him but would not disclose the companion's name, and that the companion was not hunting. (Ibid.) Kille continued to question Spagnuolo, allowing him the opportunity to change his responses. Spagnuolo remained true to his statement. (J-1; J-3.)

After a brief call from his father, Spagnuolo reiterated that he was the only person hunting and now identified the companion as his father. (J-3.) Spagnuolo told Kille that his father was keeping him company, carrying Spagnuolo's bow, and was not hunting, and the two bows were his. (Ibid.) Spagnuolo continued to explain that both the left-handed bow and the right-handed bow were his—that he is ambidextrous. Spagnuolo stated that he and his father were in two separate tree stands; he was the only one with a bow, and he shot the deer. After tracking the wounded deer together, he and his father split up to search for it. (Ibid.)

Not believing his story, Kille impressed upon Spagnuolo the importance of truthfulness when dealing with law enforcement. However, Spagnuolo repeated that the two bows were his and that his father was not hunting. (Ibid.)

After some time had passed, Spagnuolo's father appeared on the scene. Kille took the father aside and explained the consequences that Spagnuolo was facing as an untruthful law enforcement officer. At that point, Spagnuolo's father admitted that the second bow was his, and, in fact, he had been hunting. (Ibid.)

Spagnuolo then admitted to Kille that he was not truthful in his statements and acknowledged that he was lying to Kille. (J-1; J-3.) Spagnuolo was reluctant to provide his father's name because he was fearful that his father would lose his job and medical

benefits. Both Spagnuolo and his father were issued summonses for not having the proper hunting permits. (J-1.)

The Lakewood Police Department conducted an internal investigation, speaking with Kille and Spagnuolo. During the interview, Spagnuolo admitted that he was provided several opportunities by Kille to retract his statements, but he knowingly continued to be untruthful. (J-2.)

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

The Civil Service Act, N.J.S.A. 11A:1-1 to 12-6 (Act), and its implementing regulations, N.J.A.C. 4A:1-1.1 to 10-3.2, are designed in part “to encourage and reward meritorious performance by employees in the public service and to retain and separate employees on the basis of the adequacy of their performance.” N.J.S.A. 11A:1-2(c). An employee may be subject to discipline for several reasons, including conduct unbecoming a public employee, N.J.A.C. 4A:2-2.3(a)(6). Major discipline for such infractions may include removal, disciplinary demotion, or suspension for more than five working days at any one time. N.J.A.C. 4A:2-2.2(a).

The Act protects classified employees from arbitrary dismissal and other onerous sanctions. See In re Shavers-Johnson, initial decision, 2014 N.J. AGEN LEXIS 439 (July 30, 2014), adopted, 2014 N.J. AGEN LEXIS 1049 (Sept. 3, 2014); Prosecutor’s Detectives & Investigators Ass’n v. Hudson Cnty. Bd. of Chosen Freeholders, 130 N.J. Super. 30, 41 (App. Div. 1974); Scancarella v. Dep’t of Civil Serv., 24 N.J. Super. 65, 70 (App. Div. 1952). To determine if a penalty is reasonable, the employee’s record may be reviewed to determine the appropriate penalty for the current specific offense. “The evidence presented and the credibility of the witnesses will assist in resolving whether the charges and discipline imposed should be sustained; or whether there are mitigating circumstances, which . . . must be taken into consideration when determining whether there is just cause for the penalty imposed.” Shavers-Johnson, 2014 N.J. AGEN LEXIS 439 at \*44. Major discipline may include suspension or removal, depending upon the incident complained of and the employee’s record. See West New York v. Bock, 38 N.J. 500, 522–24 (1962) (describing progressive discipline).

The issue to be addressed here is whether a preponderance of the credible evidence establishes that Spagnuolo's actions constitute violations of the regulations as charged in the FNDA. If so, do the violations warrant removal, as imposed, or another penalty, if any?

The appellant is charged with violating 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, specifically, violation of Lakewood Township Police Department Rules 2:1.3-5, 3:1.4, 3:1.10, and 3:13.5.

### **Conduct Unbecoming a Public Employee**

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. In re King, CSV 02768-02, initial decision (Feb. 24, 2003), adopted, Merit Sys. Bd. (Apr. 9, 2003), <http://njlaw.rutgers.edu/collections/oal/>. "Conduct unbecoming a public employee" is an elastic phrase that encompasses conduct that adversely affects the morale or efficiency of a governmental unit or tends to destroy public respect 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, 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)). Unbecoming conduct may include improper behavior under the circumstances; it may be less serious than a violation of the law, but it is inappropriate on the part of a public employee because it disrupts governmental operations.



On November 9, 2024, Spagnuolo was asked straightforward questions by Kille. Instead of providing an honest and simple answer, he chose to lie. Even after being given multiple opportunities to correct his statement, he continued to lie. He only told the truth after his father disclosed the facts to Kille. This action was improper, inappropriate, and “has a tendency to destroy public respect in the delivery of governmental services.” I **CONCLUDE** that respondent proved by a preponderance of the credible evidence that on November 9, 2024, Spagnuolo was guilty of conduct unbecoming a public employee, in violation of N.J.A.C. 4A:2-2.3(a)(6).

### **Other Sufficient Cause**

The respondent charged Spagnuolo with a violation of N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, for his alleged violations of Lakewood Police Department Rules 2:1.3-5 (Police officers shall conduct themselves in accordance with high ethical standards, on and off duty); 3:1.4 (Employees shall obey all laws, ordinances, rules and general orders of the Department); 3:1.10 (Employees shall not interfere with the proper administration of criminal justice); and 3:13.5 (Employees are required to be truthful at all times whether under oath or not). Spagnuolo remained courteous but failed to make truthful statements and lied numerous times during Kille’s investigation. I **CONCLUDE** that Spagnuolo did violate Rules 2:1.3-5, 3:1.4, 3:1.10, and 3:13.5, and, therefore, respondent has proved by a preponderance of the credible evidence the charge of other sufficient cause.

### **Penalty**

There is no constitutional or statutory right to a government job. State-Operated Sch. Dist. of Newark v. Gaines, 309 N.J. Super. 327, 334 (App. Div. 1998). Civil Service employees’ rights and duties are governed by the Civil Service Act, which provides that a public employee may be subject to major discipline for various employment-related offenses. N.J.A.C. 4A:2-2.3. Termination is a major disciplinary action, and respondent bears the burden of proof. N.J.A.C. 4A:2-1.4(a). The burden of proof is by a preponderance of the evidence, Atkinson v. Parsekian, 37 N.J. 143, 149 (1962), and the hearing is de novo, Henry v. Rahway State Prison, 81 N.J. 571 (1980). On such appeals,

the Civil Service Commission may increase or decrease the penalty, N.J.S.A. 11A:2-19, and the concept of progressive discipline guides that determination, In re Carter, 191 N.J. 474, 483–86 (2007). Thus, an employee’s prior disciplinary record is inherently relevant to determining an appropriate penalty for a subsequent offense, In re Carter, 191 N.J. at 483, and the question on appellate review is whether such punishment is “so disproportionate to the offense, in the light of all the circumstances, as to be shocking to one’s sense of fairness,” id. at 484 (quoting In re Polk, 90 N.J. 550, 578 (1982) (internal quotes omitted)). Indeed, progressive discipline may be bypassed only when the misconduct is severe, when it renders the employee unsuitable for continuation in the position, or when the application of progressive discipline would be contrary to the public interest. In re Herrmann, 192 N.J. 19, 33 (2007).

New Jersey has long recognized that a police officer is a special kind of public employee who represents law and order to the citizenry and must present an image of personal integrity and dependability. Twp. of Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965). Police officers are held to a high standard of responsibility and conduct. They voluntarily agree to being held to this high standard of conduct when they enter public service. In re Phillips, 117 N.J. 567, 577 (1990). Courts have affirmed terminations of public servants for serious infractions or those that involve public-safety concerns. Klusaritz v. Cape May Cnty., 387 N.J. Super. 305 (App. Div. 2006) (affirming dismissal of incompetent CPA despite no disciplinary record); In re Hall, 335 N.J. Super. 45 (App. Div. 2000) (sustaining dismissal for attempted theft); Cosme v. Borough of E. Newark Twp. Comm., 304 N.J. Super. 191 (App. Div. 1997) (affirming dismissal of police officer who took unauthorized paid vacation); Bowden v. Bayside State Prison, 268 N.J. Super. 301 (App. Div. 1993) (sustaining removal of prison guard who gambled with inmates for cigarettes); City of Newark v. Massey, 93 N.J. Super. 317 (App. Div. 1967) (affirming dismissal of police officer based on his multiple instances of insubordination and careless handling of weapon).

Spagnuolo is not an ordinary citizen. He volunteered to be trained as a police officer and serve the public. He agreed to the rules and regulations of the Lakewood Township Police Department. Spagnuolo was not only untruthful but also deceitful. Spagnuolo’s reasons for lying, while compassionate in trying to protect his father, do not

excuse his actions. As a sworn officer, he was entrusted with upholding the law and maintaining public trust. By choosing deception over integrity, he compromised that trust and undermined the standards expected of law enforcement. His conduct was egregious enough to warrant his removal. I therefore **CONCLUDE** that removal is the appropriate penalty.

### **ORDER**

I hereby **ORDER** that appellant Daniel Spagnuolo is removed from his position of police officer with the Lakewood Township Police Department.

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.

October 24, 2025

DATE



NICOLE T. MINUTOLI, ALJ

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

\_\_\_\_\_

NTM/tc

**APPENDIX**

**Witnesses**

**Petitioner:**

Daniel Spagnuolo

**Respondent:**

Captain Gregory Stafford Smith

**Exhibits**

**Joint:**

- J-1 Joint Stipulation of Facts
- J-2 Lakewood Police Department Investigative Report, dated January 23, 2025
- J-3 Video of Officer Wesley Kille's body camera
- J-4 Video of Internal Affairs interview
- J-5 Final Notice of Disciplinary Action, dated January 27, 2025
- J-6 Preliminary Notice of Disciplinary Action, dated January 15, 2025
- J-7 Lakewood Police Department Rules and Regulations, dated July 26, 2017<sup>2</sup>

**Petitioner:**

None

**Respondent:**

None

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<sup>2</sup> I requested a copy during the hearing, and I supplemented the record with this exhibit.