



STATE OF NEW JERSEY

In the Matter of Jonathan Scotto-Difrega, Monmouth County, Department of Corrections

DECISION OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2026-236
OAL Docket No. CSR 13645-25

ISSUED: JANUARY 8, 2026

The appeal of Jonathan Scotto-Difrega, a County Correctional Police Officer with Monmouth County, Department of Corrections, of his removal, effective June 19, 2025, was heard by Administrative Law Judge Sarah G. Crowley, who rendered her initial decision on November 12, 2025. Exceptions were 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 December 17, 2025, accepted and adopted the Findings of Fact and Conclusions as contained in the attached ALJ's initial decision and her recommendation to reverse the removal.

As indicated above, the Commission has thoroughly reviewed the exceptions filed by the appointing authority in this matter and finds them unpersuasive. In this regard, the ALJ's determinations are predominantly based on her assessment of the credible evidence in the record. In this regard, while the ALJ did not make explicit credibility determinations, it is clear that she found the appellant's testimony credible, and that no other evidence in the record substantially contradicted that testimony. The Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). “[T]rial courts' credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record.” *See also, In re Taylor*, 158 N.J. 644 (1999) (quoting *State v. Locurto*, 157 N.J. 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately

gives due deference to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. *See N.J.S.A. 52:14B-10(c); Cavalieri u. Public Employees Retirement System*, 368 N.J. Super. 527 (App. Div. 2004). In this matter, the exceptions filed are not persuasive in demonstrating that the ALJ's determinations, or her findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable. As such, the Commission has no reason to question those determinations, or the findings and conclusions made therefrom.

The Commission otherwise also agrees with the ALJ's analysis of the charges. In this regard, the ALJ ultimately found:

The County relies on the issuance of the October 8, 2024, FRO [Final Restraining Order] in support of their disciplinary charge of Conduct Unbecoming. The respondent argues that the Order represents a finding of a violation of the Prevention of Domestic Violence Act, which constitutes conduct unbecoming. The respondent conducted no investigation, did not interview any witnesses, or investigate the basis for the vacation of the FRO one month later. There is some reference as to a potential appeal of the initial restraining Order which became moot when the Order was vacated in November 2024. The FRO was based on allegations of harassment which occurred off duty and in the middle of a very contentious divorce. There was no evidence of a "pattern of conduct" and no prior discipline relating to similar misconduct by the appellant. The initial suspension of the appellant imposing a six-month suspension as a result of the October 8, 2024, FRO specifically stated that "any subsequent conduct could result in stronger disciplinary charge being recommended, up to recommending your separation of employment with the County of Monmouth." It is undisputed that no further misconduct occurred. There was no investigation into the underlying conduct, and the restraining order was vacated.

The undersigned does not in any way imply that the finding of a violation of the Prevention of Domestic Violence Act is not a very serious matter and should not be taken lightly. However, the respondent made no effort to investigate the circumstances surrounding the initial finding, or the circumstances which resulted in it being dismissed and vacated one month later. Moreover, they suspended the appellant for a period not to exceed six months and specifically stated in that disciplinary notice that "any other conduct could result in more serious charges." The six-month suspension was served, his license was restored by the PTC [Police Training Commission] and no other conduct occurred. Accordingly, I conclude that the respondent has failed to prove conduct unbecoming by the preponderance of the credible evidence.

Upon its *de novo* review, the Commission finds nothing in the record or the exceptions demonstrating that this finding was arbitrary, capricious or unreasonable.

Since the removal has been reversed, the appellant is entitled to be reinstated with mitigated back pay, benefits, and seniority pursuant to N.J.A.C. 4A:2-2.10 from the first date of separation without pay when he was eligible to return to work¹ until the date of actual reinstatement. Moreover, as the appellant has prevailed, he is entitled to reasonable counsel fees pursuant to N.J.A.C. 4A:2-2.12.

This decision resolves the merits of the dispute between the parties concerning the disciplinary charges and the penalty imposed by the appointing authority. However, per the Appellate Division's decision, *Dolores Phillips v. Department of Corrections*, 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 permanent position.

ORDER

The Commission finds that the action of the appointing authority in removing the appellant was not justified. The Commission therefore reverses the removal and grants the appeal of Jonathan Scotto-DiFrega.

The Commission orders that the appellant be granted back pay, benefits, and seniority from the appellant's first date of separation without pay when he was eligible to return to work to the actual date of reinstatement. The amount of back pay awarded is to be reduced and mitigated as provided for in N.J.A.C. 4A:2-2.10. 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.

Additionally, the Commission orders that counsel fees be awarded to the attorney for the 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

¹ In this regard, although the removal date was June 19, 2025, if the appellant was immediately suspended without pay prior to the effective date of his removal, the back pay period starts as of that date. See e.g. *In the Matter of Ranique Woodson* (CSC, decided January 15, 2025). A review of the Preliminary Notice of Disciplinary Action in the record indicates an immediate suspension effective April 29, 2025. However, it does not indicate whether said suspension was with or without pay. Moreover, as indicated by the ALJ, back pay shall be limited to the time when the appellant was eligible to return to work. Thus, according to the record, the PTC reinstated the appellant's law enforcement license effective April 24, 2025. The appellant had been serving up to a six-month suspension prior to that time. Accordingly, the award of mitigated back pay, benefits, and seniority pursuant to N.J.A.C. 4A:2-2.10 shall commence on April 24, 2025, until the date of the appellant's actual reinstatement.

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 or counsel fees. However, under no circumstances should the appellant's reinstatement be delayed pending resolution of any potential back pay or counsel fees dispute.

The parties must inform the Commission, in writing, if there is any dispute as to back pay or 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 17TH DAY OF DECEMBER, 2025

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Dulce A. Sulit-Villamor
Director and Chief Regulatory Officer
Division of Appeals and Regulatory Affairs
Office of the Chair/Chief Executive Officer
Civil Service Commission
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSR 13645-25
AGENCY DKT. NO. N/A

**IN THE MATTER OF JONATHAN
SCOTTO-DIFREGA, MONMOUTH
COUNTY DEPARTMENT OF CORRECTIONS.**

Patrick J. Caserta, Esq., for Jonathan Scotto-Difrega, appellant (Patrick J. Caserta Law Offices, LLC, attorneys)

Steven W. Kleinman, Esq., for respondent (County Counsel, Monmouth County, attorneys)

BEFORE SARAH G. CROWLEY, ALJ:

Record Closed: October 24, 2025

Decided: November 12, 2025

STATEMENT OF CASE AND PROCEDURAL HISTORY

The appellant, Jonathan Scotto-Difrega (appellant) was employed as a corrections officer with the Monmouth County Department of Corrections (respondent or County) until May 6, 2025. Appellant has been employed by the Monmouth County Department of Corrections since October 1, 2007. On July 8, 2025, appellant was served with a Final Notice of Discipline Action (FNDA) seeking his removal as a result of a Restraining Order (FRO) which was issued on October 8, 2024. Prior to the issuance of the FNDA in the within action, the appellant had been suspended by the respondent for six months as a

result of the FRO due to the immediate disarming and law enforcement license by the Police Training Commission.

Following the reinstatement of his law enforcement license by the PTC on April 23, 2025, the County issued a new PNDA seeking immediate removal of appellant and the continuation of his suspension. The Final Notice of Disciplinary Action (FNDA) was issued on July 8, 2025, sustaining the removal. The appellant filed an appeal which was transmitted to the Office of Administrative Law as a contested matter. The matter was heard on October 3, 2025, and the record closed upon submission of written closings and replies by both parties on November 7, 2025.

TESTIMONY

Lieutenant Daniel Hansson has been employed by Monmouth County since 2007. He currently oversees Internal Affairs (IA) and handles IA matters related to inmates and employees. He identified the earlier FNDA, dated November 15, 2024, which imposed a six-month suspension on the appellant immediately following the issuance of the restraining order and the PTC action. The letter enclosing the disciplinary notices states that "a repeat of this or other unacceptable behavior will result in stronger disciplinary action being recommended up to recommending your separation of employment with the County of Monmouth." The notice also states that "the outcome of the PTC's decision on your license does not preclude the Monmouth County Investigators from initiating its own review and investigation of the underlying conduct that resulted in the FRO being issued, which may or may not result in separate disciplinary action." He testified that there was no subsequent conduct or unacceptable behavior by the appellant, and after the decision by the PTC to reinstate his law enforcement license, and the sunsetting of the existing suspension, they issued a new notice of discipline seeking to remove him based upon the October 2024 restraining order. Lt. Hansson testified that they felt the initial conduct and the issuance of the restraining order in October were sufficient to sustain a termination of the appellant.

The memorandum from Lt. Hansson to the Warden dated April 23, 2025, marked as Exhibit 6, was identified by the witness. The memorandum states that the "internal

affairs investigation has confirmed that SPO Scotto-Difrega did in fact violate the Prevention of Domestic Violence Act, when he committed an act of domestic violence. His action not only violated the Prevention of Domestic Violence Act, but also numerous policies and procedures of the Monmouth County Sheriff's Office and the County of Monmouth." Lieutenant Hansson was questioned about the "investigation into the underlying conduct" that resulted in the FRO which is referenced in the memorandum. He testified that he did not interview any witnesses or do any independent investigation into the underlying conduct. He was aware that the FRO at issue had been vacated and dismissed on November 13, 2024, prior to the initial suspension. However, they did not investigate this or any of the details about the incident and relied upon the documentation in the initial restraining order, which had in fact been vacated and dismissed.

Lt. Hansson testified that the initial suspension was mandated due to the PTC policies when a restraining order is issued. Although the restraining order was dismissed and the law enforcement license reinstated, they felt that the issuance of the final restraining order in October of 2024 was sufficient to sustain a charge of conduct unbecoming and the discipline of removal. There was an objection to the admission of Exhibit 6, which is identified in the respondent's exhibit binder as "Internal Affairs Investigation from Lt. Daniel Hansson to Warden Victor Iannello" dated April 23, 2025. The objection was based on the absence of any report, attachments or evidence of an Internal Affairs Investigation. Exhibit 6 was a single-page document and contained no details about any Internal Affairs investigation, other than stating that an FRO had been issued on October 8, 2024. The one-page document contains no reference to the details of the incident, nor does it mention the subsequent vacation and dismissal of the restraining order in November 2024. The respondent thereafter produced a document which was marked as Exhibit 6A, which contained a copy of the TRO and the FRO and copies of documentation relating to the TRO, FRO and the PTC matter. There was no written report or evidence of any internal investigation by the appointing authority. Exhibit 6A is over a hundred pages and includes pictures such as a one of a child sleeping and another with them on a scooter, but there was no testimony with respect to any of the documents in the Exhibit or any internal investigation regarding any of the allegations.

Lieutenant Hansson testified that they felt the issuance of the FRO represented a violation of the Prevention of Domestic Violence Act and it was sufficient to sustain the removal of the appellant. Lt. Hansson also testified that the FRO demonstrated a pattern of conduct due to a prior restraining order action which was brought by his now ex-wife. However, he conceded that the prior order did not result in any final order and there was no investigation or discipline brought against the appellant as a result. There was no other prior conduct or pattern that Lieutenant Hansson identified.

Lieutenant J. Gaul has been employed by the respondent, Monmouth County since 2005. He testified that certain things, such as the issuance of a TRO, trigger an investigation. He was advised of the restraining order against the appellant and the suspension by PTC of his law enforcement license and his license to carry a weapon. He testified that although not all correction officers carry weapons, they need to be qualified to carry and thus, immediate suspension occurs when PTC suspends a license. Lieutenant Gaul testified that when the TRO was issued in this matter in October 2024, and appellant's license was suspended, they immediately suspended the appellant. He testified that they held off on taking any further action because if he did not get his license back, the removal would have been sustained due to him being unable to carry out the required duties of the position.

He testified that when PTC reinstated appellant's law enforcement license in April of 2024, they decided to remove him based upon the issuance of the FRO in October 2024. He testified that the issuance of a FRO reflected a finding of a violation of the Prevention of Domestic Violence Act, which they felt demonstrated conduct unbecoming and a violation of other rules and regulations of the County. They determined that this was sufficient grounds to sustain his removal. He testified that he notified IA to complete and close the investigation. He was unaware of any investigation that was conducted other than securing the paperwork related to the initial restraining order in October of 2024. He did not testify regarding the conduct which resulted in the restraining order or the basis for the dismissal of the restraining order in November 2024. He did not identify any legal impediment to their ability to bring this action for removal back in October 2024.

Lieutenant Gaul discussed the standards for law enforcement, and that law enforcement officers are disciplined for conduct unbecoming on and off duty which reflects on their fitness and character. They felt that this violation was sufficient to merit appellant's removal. He referenced a "pattern of behavior" but conceded that no prior acts of domestic violence had been sustained and no prior discipline was ever brought against appellant with regard to prior allegations by his ex-wife. They never interviewed his wife, who filed for a restraining order, or the appellant about the incident which resulted in the restraining order in October 2024. They did not investigate the facts surrounding the vacation of the order one month later, in November 2024. None of the officers or witnesses were questioned about the underlying conduct for which they seek removal. The County felt that the issuance of the final restraining order demonstrates a finding of a violation of the Prevention of Domestic Violence Act, and thus, his removal was sought. The appellant had prior discipline based on time and attendance, but nothing related to misconduct.

Jonathan Scotto-Difrega was subpoenaed to testify on behalf of the respondent. He was presented with the allegations set forth in the TRO and the FRO. He testified that at the time the restraining order was entered, he and his wife were in the middle of a very contentious divorce and there were significant issues involving visitation with his children. Their discussions and messaging were very heated. He read many of the allegations/statements in the form of messages and was asked questions about whether he had authored these messages. He did not recall many of the statements but conceded he made some of the statements through the message app that they used. He discussed the very difficult divorce and that his ex-wife was denying him visitation with his children and he was very upset about this.

For appellant

Felicia Scotto-Difrega testified regarding the circumstances surrounding the restraining order which was entered in October 2024. She described their relationship towards the end of their marriage and during the divorce as very contentious. She testified that she does not even speak to the appellant anymore and that their marriage and divorce were very difficult. She read many of the statements contained in the

restraining order and testified that she did not think that some of them were accurate and that the staff at the family court may have assisted in memorializing some of the messages. She did not dispute that many of the statements were made and were very unpleasant, and that she did seek a restraining order to put an end to the nasty messages. However, she sought the vacation of the order one month later in November 2024, which was granted and the restraining order vacated.

FINDINGS OF FACT

The resolution of the claims made by the appellant requires that I make a credibility determination regarding the critical facts. The choice of accepting or rejecting the witnesses' testimony or credibility rests with the finder of fact. Freud v. Davis, 64 N.J. Super. 242, 246 (App. Div. 1960). In addition, for testimony to be believed, it must not only come from the mouth of a credible witness, but it also must be credible. It must elicit evidence that is from such common experiences 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 witnesses' story considering its rationality, internal consistency, and the way it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718,749 (1963). A fact finder is free to weigh the evidence and to reject the testimony of a witness, even though not directly contradicted, when it is contrary to circumstances given in evidence or contains inherent improbabilities or contradictions which alone, or in connection with other circumstances in evidence, excite suspicion as to its truth. In re Perrone, 5 N.J. 514. 521-22 (1950). See D'Amato by McPherson v. D'Amato, 305 N.J. Super. 109, 115 (App. Div. 1997).

Having had an opportunity to carefully observe the demeanor of the witnesses, it is my view that the testimony of appellant was sincere and credible. As to the testimony of the respondent witnesses, they provided little testimony to support the underlying claim of unbecoming conduct or a violation of the rules and regulations of the County outside of the issuance of the FRO in October of 2024, for which the appellant served a six-month suspension. Notwithstanding repeated references to an IA investigation and a report related to the same, there was no evidence or testimony to support any investigation into

the underlying conduct in this matter. The respondent seeks removal of the appellant on the grounds that an FRO was issued which reflected a finding of a violation of the Prevention of Domestic Abuse Act. The issue then becomes does the issuance of such an order for an off-duty incident which occurred between spouses during a heated divorce constitute conduct unbecoming absent any investigation into the circumstances surrounding the order as well as the vacation of the order one month later and the imposition and service of a six-month penalty for the same underlying conduct.

There was no testimony or evidence of an investigation into the truth and veracity of any of the statements or conduct alleged in the restraining order prior to questioning the appellant and his ex-wife at the hearing. The County includes the allegations contained in the application for the temporary restraining order in their closing brief but made no effort to investigate any of these allegations prior to the issuance of the discipline in this matter. Moreover, there was no inquiry, or any questions at the hearing as to why the FRO was vacated and dismissed one month later. There was no evidence that this FRO involved a pattern of conduct, there was no prior discipline relating to conduct and no prior internal affairs investigation into any prior conduct unbecoming.

The only evidence of the underlying conduct was elicited through the testimony of the appellant and his ex-wife who had never been questioned before about the matter by the respondent. I found the appellant to be sincere and truthful in his testimony and his admission that he authored many of the inappropriate text messages to his wife during a bitter divorce when she was denying him visitation with his children. His ex-wife also testified that there were many messages that were inappropriate, and the divorce was very ugly, and they do not even speak anymore. The County witnesses testified that they had hoped the PTC would not relicense appellant, and therefore he could be removed on those grounds.

Accordingly, I FIND the following as FACT:

1. John Scotto-DiFrega has been employed by the Monmouth County Sheriff's Department as a Corrections Officer since October 1, 2007.

2. Prior to the instant matter, there had been prior discipline for time and attendance, but nothing related to conduct unbecoming.
3. On September 16, 2024, a Domestic Violence Complaint was filed by appellant's now ex-wife, and a TRO issued against appellant.
4. On October 8, 2024, a FRO was entered in connection with that matter.
5. On October 23, 2024, the PTC suspended appellant's law enforcement license and disarmed the appellant consistent with regulations requiring same when a FRO is issued.
6. On October 25, 2024, a Notice of Immediate Suspension was issued by the respondent based upon the issuance of the FRO and the PTC suspension.
7. The FRO was "dismissed" and "vacated" on November 13, 2024.
8. On November 15, 2024, an FNDA was issued by the respondent maintaining the appellant's suspension, for a period not to exceed six months.
9. On April 17, 2024, the PTC entered into an agreement with the appellant, restoring his law enforcement license effective April 24, 2025.
10. On April 29, 2025, the respondent served a second notice of disciplinary action seeking his removal and maintaining his suspension.
11. On May 6, 2025, a PNDA seeking appellant's removal was issued.
12. On July 8, 2025, an FNDA sustaining appellant's removal was issued.

ANALYSIS AND CONCLUSIONS OF LAW

The Civil Service Act, N.J.S.A. 11A:1-1 to -12.6, governs a public employee's rights and duties. The Act is an important inducement to attract qualified personnel to public service and is liberally construed toward attainment of merit appointments and broad tenure protection. Essex Council No. 1, N.J. Civil Serv. Ass'n v. Gibson, 114 N.J. Super. 576 (Law Div. 1971), rev'd on other grounds, 118 N.J. Super. 583 (App. Div. 1972);

Mastrobattista v. Essex Co. Park Comm'n, 46 N.J. 138, 147 (1965). The Act states that state policy is to provide appropriate appointment, supervisory and other personnel authority to public officials so they may execute properly their constitutional and statutory responsibilities. N.J.S.A. 11A:1-2(b). To carry out this policy, the Act authorizes the discipline and termination of public employees.

N.J.A.C. 4A:2-2.3(a) provides that a public employee may be subject to major discipline for various offenses. The burden of proof is always on the appointing authority in disciplinary matters to show that the action taken was justified. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a). The employee's guilt of the charge(s) must be established by a preponderance of the competent, relevant and credible evidence. Atkinson v. Parsekian, 37 N.J. 143 (1962); In re Polk License Revocation, 90 N.J. 550 (1982). Precisely what is needed to satisfy the standard must be decided on a case-by-case basis. The evidence must be such as to lead a reasonably cautious mind to the given conclusion. Bornstein v. Metropolitan Bottling Co., 26 N.J. 263, 275 (1958). Preponderance may also be described as the greater weight of the credible evidence in the case, not necessarily dependent on the number of witnesses, but having the greater convincing power. State v. Lewis, 67 N.J. 47, 49 (1975). Credibility, or, more specifically, credible testimony, in turn, must not only proceed from the mouth of a credible witness, but it must be credible in itself, as well. Spagnuolo v. Bonnet, 16 N.J. 546, 554-55 (1954). Both guilt and penalty are redetermined on appeal from a determination by the appointing authority. Henry v. Rahway State Prison, 81 N.J. 571 (1980); West New York v. Bock, 38 N.J. 500 (1962).

In this matter, the respondent seeks removal of appellant as a result of an off-duty incident that occurred in October 2024, which resulted in a restraining order being issued against him by his then wife. This incident occurred off duty and during their very heated divorce with related custody and visitation issues involving their two young children. The conduct related to text messages, and there were no allegations of physical abuse. The restraining order was vacated and dismissed in November 2024. There was no internal affairs investigation into the underlying conduct conducted by the appointing authority between October 2024 and July 2025, when the second disciplinary notice seeking appellant's removal was issued. There was no subsequent misconduct during the

pending six-month suspension, which was served by the appellant. The respondent has relied on the FRO issued on October 8, 2024, to sustain the within removal charges.

The appellant has raised an issue regarding the forty-five-day rule set forth in N.J.S.A. 40A:14-147. Such challenges apply to internal disciplinary charges, and not those predicated on the Administrative Code. The appellant argues that the current charges arise out of an incident which occurred in September 2024, and the issuance of the PNDA seeking the appellant's removal issued on May 6, 2025, violates the forty-five-day rule. The rule provides in relevant part that "disciplinary charges be filed within forty-five-days of the date the person filing the charge obtains sufficient information to do so."

The respondent has presented no testimony or evidence which demonstrates that any internal affairs investigation was conducted regarding the underlying conduct during this time. Moreover, there was no testimony as to why there was a delay of seven months in bringing the action, except that they hoped they might not have to demonstrate any conduct unbecoming if the PTC did not reinstate him. The last extension from the Warden in January 2025 states they are "waiting for direction from the PTC." However, the initial suspension notice states that "the PTC action does not preclude the County from taking any action." Moreover, there was no legal impediment to conducting their own investigation, yet no action was taken by the respondent until May 2025. An extension which is based on your desire not to have to bring and defend charges on your own is not a valid reason for failure to conduct an internal investigation and bring timely charges. Finally, even if these extensions were valid, the last extension provided by the warden in January 2025 had expired when the charges were brought in May 2025.

Accordingly, I conclude that the charges predicated on any violation of internal policies, rules and regulations are dismissed as violative of the forty-five-day rule. However, the provisions of the forty-five-day rule relate to internal disciplinary rules and not the conduct unbecoming charges under the Administrative Code provisions of 4A: 2-2.3(a).

The County relies on the issuance of the October 8, 2024, FRO in support of their disciplinary charge of Conduct Unbecoming. The respondent argues that the Order

represents a finding of a violation of the Prevention of Domestic Violence Act, which constitutes conduct unbecoming. The respondent conducted no investigation, did not interview any witnesses, or investigate the basis for the vacation of the FRO one month later. There is some reference as to a potential appeal of the initial restraining Order which became moot when the Order was vacated in November 2024. The FRO was based on allegations of harassment which occurred off duty and in the middle of a very contentious divorce. There was no evidence of a "pattern of conduct" and no prior discipline relating to similar misconduct by the appellant. The initial suspension of the appellant imposing a six-month suspension as a result of the October 8, 2024, FRO specifically stated that "any subsequent conduct could result in stronger disciplinary charge being recommended, up to recommending your separation of employment with the County of Monmouth." It is undisputed that no further misconduct occurred. There was no investigation into the underlying conduct, and the restraining order was vacated.

The undersigned does not in any way imply that the finding of a violation of the Prevention of Domestic Violence Act is not a very serious matter and should not be taken lightly. However, the respondent made no effort to investigate the circumstances surrounding the initial finding, or the circumstances which resulted in it being dismissed and vacated one month later. Moreover, they suspended the appellant for a period not to exceed six months and specifically stated in that disciplinary notice that "any other conduct could result in more serious charges." The six-month suspension was served, his license was restored by the PTC and no other conduct occurred. Accordingly, I conclude that the respondent has failed to prove conduct unbecoming by the preponderance of the credible evidence.

CONCLUSION

Accordingly, I CONCLUDE that the County has not proven by a preponderance of the evidence that the appellant is guilty of conduct unbecoming.

ORDER

I hereby **ORDER** that the appellant be returned to his position as a corrections officer at the Monmouth County Sheriff's Office. Due to being ineligible for duty due to the PTC action which was pending which prevented him from returning to his position prior to April 29, 2025, back pay shall be limited to the time when he was eligible to return to work.

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.

November 12, 2025
DATE


SARAH G. CROWLEY, ALJ

Date Received at Agency:

November 12, 2025

Date Mailed to Parties:

November 12, 2025

SGC/lm/onl/gd

APPENDIX

Witnesses

For respondent

Lieutenant J. Gaul
Lieutenant Daniel Hansson
Johathan Scotto-Difrega

For appellant

Felicia M. Scotto-Difrega

Exhibits

For respondent

- R-1 Notification of Police Training Commission (July 9, 2025)
- R-2 Final Notice of Disciplinary Action (July 8, 2025)
- R-3 Preliminary Notice of Disciplinary Action (May 6, 2025)
- R-4 Notice of Immediate Suspension (April 29, 2025)
- R-5 Notification to Police Training Commission RE: CCPD Jonathan Scotto-Difrega (April 29, 2025)
- R-6 Internal Affairs Investigation Report from Lt. Daniel Hansson to Warden Victor Iannello (March 23, 2025)
 - R-6A Complete IA File prepared by MCCI Investigations Unit (April 23, 2025)
- R-7 Settlement Agreement Between PTC and Jonathan Scotto-Difrega (April 17, 2025)
- R-8 Final Notice of Disciplinary Action (November 15, 2024)
- R-9 Order of Dismissal Final Restraining Order (November 13, 2024)
- R-10 Notice of Immediate Suspension (October 25, 2024)
- R-11 PTC Notice of Law Enforcement License Suspension and Revocation (October 23, 2024)

- R-12 Final Restraining Order (October 8, 2024)
- R-13 MCCI Jail Incident Report (September 17, 2024)
- R-14 Amended Domestic Violence Civil Complaint and TRO (September 16, 2024)
- R-15 Domestic Violence Civil Complaint and TRO (September 16, 2024)
- R-16 Internal Affairs Report (December 8, 2023)
- R-17 Internal Affairs Report (October 3, 2022)
- R-18 Internal Affairs Report (September 14, 2022)
- R-19 Letter from Monmouth County Prosecutors Office (June 28, 2022)
- R-20 Monmouth County Employee Guide Section 5 (December 19, 2022)
- R-21 Monmouth County Sheriff's Office Rules and Regulations (January 2022)
- R-22 Monmouth County Sheriff's Office Code of Ethics 1-3.13 (December 7, 1998)
- R-23 Minor Disciplinary Action Notice of Hearing (December 7, 2020)
- R-24 Minor Disciplinary Action Notice of Hearing (July 26, 2023)
- R-25 Minor Disciplinary Action Notice of Hearing (June 14, 2019)
- R-26 Final Notice of Disciplinary Action (December 1, 2023)
- R-27 Final Notice of Disciplinary Action (January 8, 2024)
- R-28 Final Notice of Disciplinary Action (February 27, 2024)

For appellant

None