



was ultimately recovered from the location where the appellant arranged to have it stored.

Regarding the charges, the ALJ's determination was based on her evaluation of the testimonial and documentary evidence in the record and her assessment of the credibility of that evidence. In this regard, 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 v. Public Employees Retirement System*, 368 N.J. Super. 527 (App. Div. 2004). The Commission finds no persuasive evidence in the record to demonstrate that the ALJ's credibility determinations, or her findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable. While the appellant attempts to establish that the appointing authority failed to satisfy its burden of proof, he has not substantiated such claims sufficiently to convince the Commission that the due deference normally afforded to an ALJ's Findings of Fact and Conclusions of Law should be ignored. Accordingly, the Commission, upon its *de novo* review of the record, agrees with the ALJ's assessment of the charges and affirms it.

Regarding the penalty, similar to its review of the underlying charge, the Commission's review of the penalty is *de novo*. 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). Moreover, the Commission emphasizes that a Police Officer is held to a higher

standard than a civilian public employee. 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).

In this matter, the Commission finds reason to reduce the penalty from a 10 working day suspension to a five working day suspension. The ALJ recommended that the appointing authority's 10 working day suspension of the appellant be sustained based upon the nature of the charges, *i.e.*, his failure to take a citizen's bicycle into custody after making an arrest or to otherwise make alternative arrangements to transport it for storage at departmental headquarters in accordance with departmental policy, as well as the appellant's prior disciplinary history which was set forth in the ALJ's initial decision. The Commission agrees with the ALJ that the nature of the charges and the appellant's disciplinary history support the imposition of a suspension. However, it does not agree that a 10 working day suspension is the proper penalty. The ALJ noted that one of the appointing authority's witnesses, who led the unit responsible for investigating the appellant's conduct, testified that the appellant's body worn camera footage showed that he asked other Police Officers at the scene if the bicycle could fit into their vehicles and that the appellant decided to leave it at the business only after the other officers advised the appellant that they were also unable to transport the bicycle. Thus, it is evident that the appellant made some effort to arrange for the bicycle to be transported to police headquarters and to seek the counsel of other officers who would have been under the same obligation to understand applicable departmental policies and procedures. Moreover, the bicycle was ultimately recovered from the location where the appellant arranged to have it stored. Nevertheless, the foregoing does not fully excuse the appellant's failure to adhere to the appointing authority's policy regarding evidence and property control and disposition, which specifically address recovered bicycles, particularly as that failure delayed the return of the bicycle to the citizen and required the department to utilize additional personnel and resources to facilitate the recovery of said property. Accordingly, while the Commission is in no way minimizing the appellant's failure in this instance, it finds that a five working day suspension should serve as more than sufficient notice to the appellant that any future issues concerning his ability to adhere to departmental procedures and perform his duties could result in more severe discipline.

Since the appellant's suspension has been modified, the appellant is entitled to five working days of back pay, benefits, and seniority pursuant to *N.J.A.C.* 4A:2-2.10. However, he is not entitled to counsel fees. *N.J.A.C.* 4A:2-2.12(a) provides for the award of counsel fees only where an employee has prevailed on all or substantially all of the primary issues in an appeal of a major disciplinary action. The primary issue in the disciplinary appeal is the merits of the charges. See *Johnny Walcott v. City of Plainfield*, 282 N.J. Super. 121,128 (App. Div. 1995); *In the Matter of Robert Dean* (MSB, decided January 12, 1993); *In the Matter of Ralph Cozzino* (MSB, decided September 21, 1989). In the case at hand, although the penalty was modified by the

Commission, the charges were sustained, and discipline was imposed. Consequently, as the appellant has failed to meet the standard set forth in *N.J.A.C.* 4A:2-2.12, counsel fees must be denied.

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 decision of the Superior Court of New Jersey, Appellate Division, *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 are finally resolved.


### ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. However, it modifies the 10 working day suspension of the appellant to a five working day suspension.

The Commission further orders that the appellant be granted five working days of backpay, benefits, and seniority as provided for in *N.J.A.C.* 4A:2-2.10. Pursuant to *N.J.A.C.* 4A:2-2.10, the parties shall make a good faith effort to resolve any dispute as to the amount of back pay. Counsel fees are denied.

The parties must inform the Commission, in writing, if there is any dispute as to back pay 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 18<sup>TH</sup> DAY OF MARCH, 2026



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Mary Cruz  
Acting Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Dulce A. Sulit-Villamor  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

Attachment



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. CSV 06233-25

AGENCY DKT. NO. 2025-2007

**IN THE MATTER OF RONALD ARTIS-FONT,  
CITY OF EAST ORANGE, DEPARTMENT OF  
PUBLIC SAFETY.**

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**Joshua M. Forsman, Esq., and Annette Verdesco, Esq.,** for appellant Ronald  
Artis-Font (Caruso Smith Picini, attorneys)

**Emeka X. Madubuogo, Esq.,** for respondent City of East Orange (Ronald Hunt,  
Corporation Counsel)

Record Closed: January 6, 2026

Decided: February 2, 2026

BEFORE **KIMBERLY K. HOLMES, ALJ:**

**STATEMENT OF THE CASE**

On March 6, 2025, appellant, Officer Ronald Artis-Font (Artis-Font), was suspended for ten days by respondent, City of East Orange Department of Public Safety (East Orange), for incompetency, insufficient or failure to perform duties because he failed

to secure a citizen's bicycle when arrested. Must the charges be dismissed? No. Employees can be disciplined for failing to perform duties under N.J.A.C. 4A:2-2.3(a)(1).

### **PROCEDURAL HISTORY**

On November 2, 2023, Artis-Font arrested a citizen who had an open warrant. At the time of the arrest, the citizen had a bicycle in his possession. Artis-Font left the bicycle at the scene with someone and failed to secure it.

On December 7, 2023, the citizen who was arrested by Artis-Font on November 2, 2023, filed a complaint against him because the bicycle was missing.

On January 6, 2025, there was a departmental hearing.

On February 28, 2024, East Orange served Artis-Font with a Preliminary Notice of Disciplinary Action (PNDA) to Artis-Font charging him with a violation of N.J.A.C. 4A:2-2.3(a)(1) (Incompetency, Inefficiency or Failure to Perform Duties).

On March 6, 2025, East Orange served Artis-Font with a Final Notice of Disciplinary Action (FNDA) charging him with a violation of N.J.A.C. 4A:2-2.3(a)(1) (Incompetency, Inefficiency or Failure to Perform Duties).

On March 17, 2025, East Orange issued a notice of a ten-day suspension to Artis-Font because of an internal investigation that sustained the charge in the FNDA. He was also found to have violated East Orange Police Department General Order 3-49 that covers Evidence and Property Control and Disposition.

On or about March 26, 2025, Artis-Font filed an appeal of the major discipline. On April 7, 2025, the matter was filed at the Office of Administrative Law as a contested matter. On October 14, 2025, the hearing was held and Joshua M. Forsman, Esq., represented Artis-Font but left the firm prior to submitting the closing brief. Annette Verdesco, Esq., became counsel for Artis-Font and submitted the closing brief on January

6, 2026 as did Emeka X. Madubuogo, Esq., counsel for respondent, at which time I closed the record.

**FINDINGS OF FACT**

Based upon the written record before me, I **FIND** the following **FACTS**:

Artis-Font has been employed as a police officer by East Orange since July 8, 2016. Since that time, his relevant disciplinary history includes a written reprimand for abuse of sick leave, and a written reprimand for insubordination. (R-5.) In addition, he received a five-day suspension for neglect of duty and a three-day suspension for performance of duty. (R-5.) Furthermore, he received a written reprimand for the performance of duty and a one-day suspension for abuse of sick leave. (R-5.)

On November 2, 2023, Artis-Font arrested a citizen who had an open warrant. At the time of the arrest, the citizen had a bicycle in his possession. Artis-Font left the bicycle at the scene with someone and failed to secure it. (R-5.)

On December 7, 2023, the citizen who was arrested by Artis-Font filed a complaint on November 2, 2023, against him because the bicycle was missing. (R-4, R-5.)

On January 6, 2025, there was a departmental hearing. (R-1, R-2.)

On February 28, 2024, East Orange served Artis-Font with a PNDA charging him with a violation of N.J.A.C. 4A:2-2.3(a)(1) (Incompetency, Inefficiency or Failure to Perform Duties). (R-1, R-2, R-5.)

On March 6, 2025, East Orange served Artis-Font with a FNDA charging him with a violation of N.J.A.C. 4A:2-2.3(a)(1) (Incompetency, Inefficiency or Failure to Perform Duties). (P-1.)

On March 17, 2025, East Orange issued a notice of a ten-day suspension to Artis-Font because of an internal investigation that sustained the charge in the FNDA. He was

also found to have violated East Orange Police Department General Order 3-49 that covers Evidence and Property Control and Disposition. (P-1.)

### **Testimony**

At the hearing, the respondent presented two witnesses, and Artis-Font testified on his own behalf in addition to having called one witness.

### **Respondent's Witnesses**

#### **Officer Michael Girgis**

Officer Girgis was assigned to the Patrol Division of the East Orange Police Department and responded to calls or complaints received. On December 2, 2023, he received a call from a citizen about the theft of his bicycle from the Lukoil gas station located at [REDACTED] Street in East Orange. The citizen reported that he was arrested by Artis-Font, who gave his property, the bicycle, to someone to hold until he was released from custody that same evening. When the citizen was released and returned to Lukoil, his bicycle was not there which resulted in the citizen filing a complaint against Artis-Font. The bicycle was recovered by Detective Keith McCoy about thirty days later.

#### **Commander Darryl Wright**

Commander Wright has been employed with East Orange for forty years. He was assigned to the Professional Standards Unit and reviewed all investigations in that unit. Artis-Font responded to [REDACTED] Street based on a service call. When he arrived, Artis-Font saw an individual who was familiar to him and conducted a record check on this individual. The record check revealed that the citizen had an active outstanding warrant and Artis-Font placed him in police custody. At the time of the citizen's arrest, he was in possession of his property, namely a bicycle. Artis-Font attempted to secure the citizen's bicycle by leaving it with someone at the Lukoil gas station located at [REDACTED] Street in East Orange. When the citizen was released and returned to Lukoil, his bicycle was not there.

Artis-Font did not place the bicycle into evidence at the time of the citizen's arrest in violation of the proper protocol relating to securing personal property once a person is arrested. Because the citizen had the property in his possession at the time of the arrest, the bicycle was his property. Artis-Font left the citizen's bicycle at Lukoil without his authorization but that of an employee of Lukoil.

Artis-Font could have called for a transport vehicle to take the bicycle into police headquarters. Artis-Font's body-cam footage showed that he asked the other officers at the scene to see if the bicycle could fit into their vehicle and when it was not feasible, Artis-Font decided to leave it with a third-party at Lukoil gas station in violation of General Order 3-49 that covers Evidence and Property Control and Disposition.

Appellant's Witness

**Ronald Artis-Font**

Artis-Font has been employed as a police officer by East Orange since July 8, 2016. On November 2, 2023, he was on patrol at [REDACTED] Street in East Orange and saw a citizen on a bicycle whom he recognized from the past and stopped him. The individual had an outstanding warrant and Artis-Font took him into police custody. He left the bicycle at the Lukoil gas station located at [REDACTED] Street in East Orange because it did not fit into his patrol vehicle.

Artis-Font asked the other officer at the scene to transport the bicycle, and they stated it could not fit into their vehicles. MTS towing would only tow motorized vehicles, not bicycles. On the day of this incident, Artis-Font was not aware of the policy regarding the transportation of bicycles nor was he given any instructions from his supervisor concerning the transportation of bicycles.

**Detective Keith McCoy**

Detective McCoy has been employed with East Orange for approximately twelve years. He was assigned to the Criminal Investigative Division of the Violent Crime Task Force. He investigated the report filed by the citizen against Artis-Font concerning his bicycle. Detective McCoy drove a Crown Victoria police vehicle to the Lukoil gas station at [REDACTED] Street and spoke with someone from management who told him an agreement was made to leave the citizen's bicycle at that location. Detective McCoy was able to locate the bicycle and transported it back to police headquarters in his Crown Victoria undercover police vehicle. Bicycles are usually transported back to police headquarters at the time of an arrest if an officer has trunk space. However, if an agreement is made, a bicycle can be left at a location. He was not aware of the East Orange General Order concerning bicycles and never towed a bicycle back to police headquarters.

Detective McCoy did not know if the bicycle was stolen when he retrieved it. Nor did he know who made the agreement to keep the bicycle at Lukoil gas station in this instance.

**Credibility**

For testimony to be believed, it must not only come from the mouth of a credible witness, but it also must 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).

Here, Officer Girgis testified credibly concerning his observations and actions at the scene. Commander Wright testified credibly concerning his actions as well.

In sum, I **FIND** that a preponderance of the evidence supports that Artis-Font's behavior was inconsistent what to do with the property of a person once arrested.

### **CONCLUSIONS OF LAW**

The Civil Service Act and regulations promulgated under the act govern the rights and duties of a civil service employee. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:2-1.1 to 4A:2-6.2. A civil service employee who commits a wrongful act related to his or her duties or who gives other just cause may be subject to major discipline. N.J.S.A. 11A:2-6; N.J.A.C. 4A:2-.2.3.

The issues to be determined at this de novo hearing are whether the employee is guilty of the charges brought against him and, if so, the appropriate penalty, if any, that should be imposed. See Henry v. Rahway St. Prison, 81 N.J. 571 (1980); see also W. New York v. Bock, 38 N.J. 500 (1962). In this case, the employer bears the burden of proving the charges against Bullock by a preponderance of the credible evidence. See In re Matter of Revocation of the License of Polk, 90 N.J. 550 (1982); Atkinson v. Parsekian, 37 N.J. 143 (1962). 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 St. Prison, 81 N.J. 571, 579 (1980).

#### **Failure to perform duties**

It is undisputed that the citizen was taken into custody as he had an outstanding warrant. It is also undisputed that at the time of his arrest, he was in possession of his property, namely a bicycle. Artis-Font had a duty, once he took the citizen into police custody, to secure his property. He did not. Artis-Font, however, argues that there was

no room in his vehicle, that no other police officer at the scene could transport the property, that he had never been trained by his supervisor on transporting bicycles, that it was unsafe to transport the bicycle in his police vehicle because it did not fit and that he had an agreement to leave the citizen's bicycle with someone at the Lukoil gas station. These arguments are unpersuasive. Rather than secure the bicycle by either having it towed or calling for a properly sized vehicle to transport it, Artis-Font made no attempts to transport the property as evidenced by the video footage taken that day. Moreover, on cross-examination, he acknowledged that he had been trained and instructed on how to transport bicycles as opposed to leaving the property of another citizen with a civilian. Therefore, I **CONCLUDE** that East Orange has proven by a preponderance of the evidence that Artis-Font failed to perform his job duties by not taking the bicycle into police headquarters or arranging for an alternative transport, such as a tow in violation of N.J.A.C. 4A:2-2.3(a)(1) and that he is in violation of East Orange General Orders 3-49 which covers Evidence and Property Control and Disposition.

Therefore, I **CONCLUDE** that a preponderance of credible evidence exists to demonstrate that East Orange sustained its burden on its charge that Artis-Font failed to perform his job duties.

The next issue is the discipline to be imposed.

#### Penalty

The Civil Service Commission (CSC) 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. Ibid. The past record includes a recent history of promotions or commendations as well as any other disciplinary actions or instances of misconduct. West New York v. Bock, 38 N.J. 500, 524 (1962). Consideration should also be given to the timing of the most recently adjudicated disciplinary history. Ibid. A past record, or lack thereof, cannot be

used to prove or disprove a present charge. However, it can be used for guidance to determine the appropriate penalty. Ibid.

Progressive discipline may only be bypassed 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).

Here, Artis-Font was suspended for ten days by East Orange for the failure to perform his job duties because he did not take a citizen's bicycle into custody when arrested. Nor did he make alternative arrangements to transport the property when he could have done so. Given his prior disciplinary history and the nature of these charges, the discipline imposed is justified. I **CONCLUDE** that Artis-Font's actions warrant a suspension for ten days.

### **ORDER**

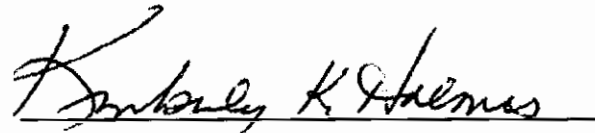
Given my findings of facts and conclusions of law, I **ORDER** that the charge pertaining to the failure to perform duties contained in the Final Notice of Disciplinary Action dated March 6, 2025, and the violation of East Orange Police Department General Order 3-49 are **SUSTAINED**. I **ORDER** that Artis-Font's actions warrant a suspension for ten days.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

February 2, 2026  
DATE

  
KIMBERLY K. HOLMES, ALJ

Date Received at Agency: February 2, 2026

Date Mailed to Parties: February 2, 2026

jb

**APPENDIX**

**Witnesses**

**For Appellant:**

Officer Ronald Artis-Font  
Detective Keith McCoy

**For Respondent:**

Officer Michael Girgis  
Commander Darryl Wright

**Exhibits**

**For Appellant:**

**P-1 CSV 06233-25 Transmittal Packet:**

- a. Notice of Appeal dated April 2, 2025
- b. Letter from Appellant's attorney, Joshua M. Forsman, Esq., dated March 26, 2025
- c. Major Disciplinary Appeal Form dated March 26, 2025
- d. Preliminary Notice of Disciplinary Action (PNDA) dated February 28, 2024
- e. Final Notice of Disciplinary Acton (FFNDA) 10-day Suspension dated March 6, 2025
- f. East Orange Police Department Notification of Suspension dated March 17, 2025

**For Respondent:**

- R-1 PNDA dated February 28, 2024
- R-2 Hearing Request dated March 6, 2024
- R-3 Letter to TR dated December 7, 2023
- R-4 IA Complaint notification to Appellant dated December 19, 2023
- R-5 East Orange PD Chief's Report dated January 3, 2024

- R-6 Incident report dated November 2, 2023
- R-7 Letter to Det. A from Appellant dated December 19, 2024
- R-8 Property evidence report dated November 2, 2023
- R-9 Uniform Jail commitment dated November 2, 2023
- R-10 Investigation report dated November 7, 2023
- R-11 Arrest report dated November 4, 2023
- R-12 Property evidence report dated December 19, 2023
- R-13 Prisoner property receipt dated November 2, 2023
- R-14 Investigation report dated December 13, 2023
- R-15 Supplementary investigation report dated December 19, 2023
- R-16 Incident redaction report dated December 7, 2023
- R-17 East Orange PD General Order 3-49
- R-18 Handwritten note
- R-19 USB – BWC dated November 2, 2023