



STATE OF NEW JERSEY

In the Matter of Terry Buchanon,
Newark

**DECISION OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2026-1407

Request for Interim Relief
Hearing Granted

ISSUED: April 29, 2026 (HS)

Terry Buchanon, a Code Enforcement Officer Trainee¹ with Newark, petitions the Civil Service Commission (Commission) for interim relief of his indefinite suspension.

As background, on August 13, 2025, the appointing authority immediately suspended the petitioner without pay and issued a Preliminary Notice of Disciplinary Action (PNDA), charging him with incompetency, inefficiency or failure to perform duties; “[c]onviction of a crime;” conduct unbecoming a public employee; and other sufficient cause. *See N.J.A.C. 4A:2-2.3(a)*. Specifically, it was alleged that the petitioner requested \$600 in cash from a resident to “clear all the violations” that had been issued against the resident’s property. The petitioner also allegedly insinuated that he could put a lien on the resident’s property of \$5,000 if the violations were not cleared. Ultimately, the petitioner allegedly negotiated with the resident to pay him \$400 in cash to clear the violations. The PNDA noted the petitioner’s immediate suspension, effective August 13, 2025, and proposed a penalty of an “[i]ndefinite suspension pending criminal charges.” On October 30, 2025, a *Loudermill*² hearing was held. Subsequently, the appointing authority issued the petitioner a Final Notice

¹ Although the petitioner is referenced in the record as a Code Enforcement Officer, the petitioner’s title as reflected in the County and Municipal Personnel System (CAMPS) is Code Enforcement Officer Trainee, effective October 23, 2017. The Commission emphasizes that the appointing authority is responsible for ensuring that personnel changes are entered into CAMPS on a timely basis. Thus, the appointing authority must ensure that the petitioner’s CAMPS record is accurate.

² *See Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985).

of Disciplinary Action (FNDA) dated November 21, 2025. The FNDA noted that “[a]t the conclusion of the [*Loudermill*] hearing, it has been determined that you will remain on suspension pending a criminal investigation.” The FNDA imposed an “[i]ndefinite suspension pending criminal charges effective [August 13, 2025].”

In his request to the Commission, postmarked November 24, 2025, the petitioner requests to proceed with a hearing at the Office of Administrative Law (OAL) as his “unjust” suspension is causing financial hardship.

In response, the appointing authority, represented by Cheyne R. Scott, Esq. and Ashley E. Morgan, Esq., notes that in his position, the petitioner is tasked with inspecting public and private properties to ensure compliance with municipal ordinances, building codes, and health regulations for purposes of upholding public safety. The appointing authority further explains that this matter was also referred to the Newark Police Department for investigation concerning potential criminal charges. Said criminal investigation remains ongoing.

The appointing authority insists that it properly suspended the petitioner in response to extortion allegations as they directly implicate his fitness for duty. Likewise, his immediate suspension was necessary to maintain public safety since the allegations indicate that the petitioner was circumventing proper procedures to redress code violations, which could create a risk of undue harm to the public should he remain on the job. The appointing authority also maintains that the petitioner has failed to demonstrate any of the requisite interim relief factors to warrant granting his request for a hearing to address his indefinite suspension. Concerning the petitioner’s allegation that he is suffering a financial hardship, the appointing authority contends he has not provided any details or evidence beyond his own self-serving statement to demonstrate how said financial harm is immediate or irreparable. The appointing authority adds:

[D]ue to the severity of the nature of the allegations against [p]etitioner, it is imperative that the criminal investigation be completed prior to any disciplinary hearing as the complainant is a not a City employee and cannot be compelled to participate in any internal investigation. As such, the criminal investigation is necessary to supplement information that is relevant and material to [p]etitioner’s discipline that the City would not otherwise be able to obtain.

CONCLUSION

N.J.A.C. 4A:2-1.2(c) provides the following factors for consideration in evaluating a petition for interim relief:

1. Clear likelihood of success on the merits by the petitioner;

2. Danger of immediate or irreparable harm;
3. Absence of substantial injury to other parties; and
4. The public interest.

It must initially be emphasized that the role of the Commission at this stage in the proceedings is not to adjudicate the merits of the administrative charges. It is also unnecessary to discuss in detail whether the petitioner's immediate suspension was valid. It is sufficient to note that *N.J.S.A.* 11A:2-13 and *N.J.A.C.* 4A:2-2.5(a)1 provide that an employee may be suspended immediately without a hearing if the appointing authority determines that the employee is unfit for duty or is a hazard to any person if allowed to remain on the job or that an immediate suspension is necessary to maintain safety, health, order, or the effective direction of public services. Here, it is alleged that the petitioner offered to clear violations in exchange for cash – a serious allegation. Thus, the petitioner's immediate suspension was justified in order to maintain the effective direction of the code enforcement function.

However, at issue is whether the appointing authority could “indefinitely” suspend the petitioner, pending the Newark Police Department's review of this matter and when no criminal charges had been brought. The Commission finds that it could not. *N.J.A.C.* 4A:2-2.7(a)2 provides that an employee may be indefinitely suspended beyond six months where the employee is formally charged with a crime of the first, second, or third degree, or a crime of the fourth degree on the job or directly related to the job. *See also N.J.A.C.* 4A:2-2.5(a)2. There are no grounds under Civil Service regulations to suspend an employee indefinitely without a criminal charge pending. Since the petitioner was not criminally charged, the appointing authority could not indefinitely suspend him. The Commission is not persuaded by the appointing authority's contention that it cannot move forward until the criminal investigation is complete. In this regard, the standard of proof in administrative proceedings is guilt by a preponderance of the evidence, not the stricter criminal standard of proof beyond a reasonable doubt. Proof of criminal culpability is not required.

Nevertheless, the Commission takes note that the petitioner has been suspended since August 15, 2025 and that, in requesting that this matter be transferred to the OAL for a hearing, he has in effect waived his departmental hearing. Therefore, the appointing authority's arguments that the complainant is not a City employee and cannot be compelled to participate in any internal investigation and that the criminal investigation is necessary to supplement information that is relevant and material to the petitioner's discipline are unpersuasive because the petitioner has *already* been subjected to major discipline. *See N.J.A.C.* 4A:2-2.2(a) and *N.J.A.C.* 4A:2-2.4(a) (providing, in pertinent part, that no suspension shall exceed six months except for suspensions pending criminal complaint or indictment). As such, it is appropriate to refer this matter to the OAL for a hearing on the administrative charges. The actual disciplinary penalty may be

determined there. Further, it is noted that if the petitioner is later criminally charged, the appointing authority may then bring forth those charges via a new PNDA. See *In the Matter of Rana Elsayed* (CSC, decided April 24, 2019).

Finally, the Commission cautions the appointing authority to adhere to the disciplinary regulations in the future. Its failure to do so may subject it to fines or penalties pursuant to *N.J.A.C.* 4A:10-2.1. However, no other relief is warranted. While the Commission is cognizant of the petitioner's financial situation, the harm that he is suffering while awaiting the outcome of the administrative proceedings is financial in nature, and as such, can be remedied by the granting of back pay should he ultimately prevail.

ORDER

Therefore, the indefinite suspension imposed by the appointing authority is not upheld. Further, the petitioner's immediate suspension is upheld. Finally, it is ordered that this matter be transmitted to the Office of Administrative Law for a hearing as a contested case as set forth above.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 29TH DAY OF APRIL, 2026



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