

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 20TH DAY OF MAY, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

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and
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 17486-24

AGENCY DKT. NO. 2025-1171

**IN THE MATTER OF NICHOLAS ZATKOS,
JUVENILE JUSTICE COMMISSION,
NEW JERSEY TRAINING SCHOOL.**

Robert R. Cannan, Esq., for appellant Nicholas Zatkos (Markman & Cannan, attorneys)

Kathleen Wardlow, Esq., Hearing Officer 2, for respondent Juvenile Justice Commission pursuant to N.J.A.C. 1:1-5.4(a)2

Record Closed: March 2, 2026

Decided: April 24, 2026

BEFORE **SUSANA E. GUERRERO**, ALJ:

STATEMENT OF THE CASE

Appellant, Nicholas Zatkos, appeals a ninety working day suspension imposed by the Juvenile Justice Commission¹ (YJC) for submitting three fraudulent meal receipts.

¹ The Juvenile Justice Commission was recently renamed the Youth Justice Commission.

PROCEDURAL HISTORY

The YJC served appellant with a Final Notice of Disciplinary Action (FNDA) dated November 22, 2024, imposing a ninety working day suspension, effective November 30, 2025. The New Jersey Civil Service Commission (the Commission) transmitted the matter to the Office of Administrative Law (OAL), where it was filed on December 12, 2024, for determination as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13, and assigned to me. The appellant subsequently filed an appeal of another FNDA issued by the YJC, which sought his termination. The Commission filed that appeal with the OAL and it was assigned to another Administrative Law Judge, under OAL Dkt. No. CSR 07398-25. The appellant filed a motion to consolidate both matters on June 26, 2025. Counsel for the YJC opposed that motion, and I denied the motion to consolidate on July 15, 2025. At the parties' request, I did not schedule this matter for a hearing until a final decision was issued in the matter seeking termination. Ultimately, in the other matter, the Commission reversed the termination and imposed a sixty working day suspension.

The hearing in this matter was held on March 2, 2026, and the record closed at the conclusion of the hearing.

FACTUAL DISCUSSION AND FINDINGS OF FACT

Zatkos is a Senior Correctional Police Officer, assigned to the New Jersey Training School, where he has worked for about eleven years. He had no history of major discipline prior to the filing of this FNDA.

Linda Feminella (Feminella) is employed by the YJC's business office and processes meal reimbursements. She testified that in 2023, when officers requested reimbursement for meals, the amounts were subject to the following maximum amounts: \$7 for breakfast; \$10 for lunch; and \$15 for dinner. When an officer transports a resident for medical care or for another purpose during his shift, he may stop and purchase food for himself, the resident, and/or the accompanying officer, and request reimbursement for the meals. The officer seeking reimbursement submits a Payment Voucher with attached

receipts to his supervisor who reviews and signs off on the reimbursement request before forwarding it to Feminella for processing.

Lt. Brian Altobelli is an administrative lieutenant at the Training School. He testified credibly and consistently with Feminella. In early November 2023, Feminella asked Lt. Altobelli to review a reimbursement request submitted by Zatkos that was missing a supervisor signature. He did not sign off on the reimbursement form because the name of the establishment(s) where Zatkos claimed to have purchased food was not written on the forms, and the names of the establishments did not appear on the accompanying receipts, which were handwritten. Since Lt. Altobelli was unable to verify whether the receipts dated October 11 and 18 were authentic or appropriate, he did not sign off on them, and he asked Feminella to pull any other handwritten receipts submitted by Zatkos the previous month. Feminella identified one other handwritten receipt submitted by Zatkos, dated September 11, 2023. After Lt. Altobelli noted that the three receipts appeared similar in that they were on "Guest Check" receipts and were written in the same handwriting, he reported his concerns to Major Shearer, who wanted to investigate further. They both went to Zack's Deli, as this establishment was handwritten on the September 11 receipt, and they noted that the prices of the items for which Zatkos provided a handwritten receipt did not match up with the prices listed on the deli's menu. They were also informed by a deli employee that the deli does not utilize the "Guest Check" receipts submitted by Zatkos. Lt. Altobelli then referred this matter to the YJC's Office of Investigations for investigation.

An investigation was conducted by Senior Investigator Stephanie Jones (Jones). As part of her investigation, she took statements from Lt. Altobelli and Feminella; and interviewed Officer Mortensen, Officer Phillips, Zatkos, residents who Zatkos transported on the days listed on the handwritten receipts, and the owner of Zack's Deli.

At issue here are three separate handwritten receipts, which Zatkos concedes he created himself. Specifically, Zatkos submitted a Payment Voucher for reimbursement of expenses in October 2023, and attached receipts that correspond to the items listed on the Payment Voucher. Attached to the Payment Voucher for October 2023 are two printed register receipts from Zack's Deli, and two handwritten receipts labeled "Guest

Check.” One “Guest Check,” dated October 11, was for three cheesesteak platters and three large sodas, totaling \$52.80. Neither the “Guest Check” nor Payment Voucher identifies an establishment, or time. Unlike the printed register receipts from Zack’s Deli, this one is handwritten, and even includes a handwritten notation: “Thank You.” Had Zatkos’s reimbursement request been approved, he would not have received the full amount requested, but approximately \$30.

Zatkos submitted a second “Guest Check” receipt dated October 18, for two large cokes, a bacon egg and cheese, and a bacon cheeseburger platter, totaling \$28.78. This was also handwritten and does not indicate an establishment or time. Had this reimbursement request been approved, Zatkos would have received an amount less than the amount requested.

It was later discovered that Zatkos had submitted another handwritten “Guest Check” receipt with his Payment Voucher for his September 2023 expenses. On the “Guest Check” receipt dated September 11, 2023, Zatkos wrote “Zack’s Deli,” for two sandwiches on a roll, two juices and two home fries, totaling \$26.20. He drafted this receipt himself and wrote “Thank you!” near the bottom. He was approved for \$10 reimbursement for submitting this receipt.

When questioned about these three handwritten receipts by Jones during her investigation, Zatkos reported that on September 11, 2023, he stopped at Zack’s Deli while transporting a resident. He confirmed that the receipts marked “Guest Check” were from a personal receipt book that he owned and reported that he sometimes makes receipts when he loses the original receipt or does not receive one. He reported that he looked up the prices online. When asked by Jones why the prices he listed did not match up with the prices on the deli’s menu obtained by Jones, Zatkos had no explanation.

When asked by Jones about the October 11, 2023 handwritten receipt, he reported that was for food consumed by him, Officer Mortensen and a resident they transported. Zatkos could not report where they ate, which would have been between very late at night (sometime between approximately 11:45 p.m. and 4:00 a.m.). The resident and Mortensen reported to Jones that they did not stop for food that evening/morning.

Mortensen, who accompanied Zatkos on the late-night medical trip to transport the resident to the hospital, also testified credibly that he did not recall stopping for food that day.

When asked by Jones about the October 18, 2023 handwritten receipt, Zatkos reported that he went on a medical trip with Officer Phillips to transport a resident and that the receipt was for food consumed by him and the resident. Officer Phillips reported that he stopped for food at McDonalds for the resident and himself that day, and he provided a printed register receipt from McDonalds for reimbursement. The resident also confirmed to Jones that they stopped at McDonalds, and he did not recall stopping anywhere else. Also, while the resident reported that he did not eat pork, and Phillips reported that he did not eat meat, Zatkos's receipt was for items containing bacon, and Zatkos could not explain this to Jones. He reported to Jones that he did not remember where they stopped for food. According to Jones' records, Zatkos later seemed to suggest that he created the receipts in error.

Jones testified credibly that the owner of Zack's Deli told her that they do not provide handwritten receipts such as the ones submitted by Zatkos; and that the prices listed on the handwritten receipts provided by Zatkos were higher than the actual prices. She also testified credibly concerning the interviews she conducted during her investigation. Jones concluded that the receipts Zatkos submitted were fraudulent because they were handwritten by him and did not accurately reflect prices for items, or items consumed by the officer and/or residents. She also noted that Zatkos wrote "Thank you" on the receipts submitted.

Zatkos testified that he tried to submit reimbursement forms once a month and that he was not trained how to fill out the Payment Voucher forms. In signing each Payment Voucher, however, Zatkos certified that it "is correct in all its particulars, [and] that the described goods or services have been furnished or rendered" In response to direct questions asked by his counsel, Zatkos testified that he attempted to be accurate and denied that he attempted to deceive anyone. He testified that he went on numerous trips over a two-month period and that since there are caps on the reimbursed amounts, he believed that the amounts listed on the receipts were not important. In response to direct

questions by his counsel, he testified that his actions were not a falsification, but a careless mistake, and that he was only trying to recoup what he spent. I was not persuaded by Zatkos's explanations that he was trying to be accurate and that he simply made a mistake. While he suggested that he may have mixed up dates because he travels often and because expenses show up differently on his bank statement, he could have easily demonstrated how the dates on the receipts were an inadvertent error by checking his work schedule, bank statements, credit card receipts, or even offered the testimony of another officer who accompanied him on one of those trips. While Zatkos complained that the YJC never gave him an opportunity to provide additional information or correct the information offered, he certainly had the opportunity to do so at the hearing. However, he failed to identify where he ate those days, who he was with, or how he came up with the amounts requested for reimbursement. Absent any credible evidence supporting the validity of the three handwritten receipts, I **FIND** that the YJC has demonstrated by a preponderance of the evidence that receipts submitted by Zatkos were fraudulent. There is no credible evidence that Zatkos even purchased this food for himself or for another officer and/or resident during working hours, and the evidence substantiates that these handwritten receipts were not simply an inadvertent error or even a careless mistake, but a falsification to ultimately obtain a financial benefit, albeit not a significant one. The handwritten "Thank You" notations on two of the receipts only lends support to the fact that Zatkos attempted to falsely present those receipts as ones given to him by Zack's Deli or another establishment.

LEGAL ANALYSIS AND CONCLUSIONS

Public employees' rights and duties are governed and protected by the provisions of the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, and the regulations promulgated pursuant thereto, N.J.A.C. 4A:1-1.1 to 10-3.2. However, public employees may be disciplined for a variety of offenses involving their employment, including the general causes for discipline as set forth in N.J.A.C. 4A:2-2.3(a). A law enforcement officer is held to a higher standard than a civilian public employee. See Moorestown v. Armstrong, 89 N.J. Super. 560 (App. Div. 1965), certif. denied, 47 N.J. 80 (1966). An appointing authority may discipline an employee for sufficient cause, including failure to obey laws, rules, and regulations of the appointing authority. N.J.A.C. 4A:2-2.3(a)(12).

In disciplinary cases, the appointing authority has the burden of both persuasion and production and must demonstrate by a preponderance of the competent, relevant, and credible evidence that it had just cause to discipline the employee and lodge the charges. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); Atkinson v. Parsekian, 37 N.J. 143 (1962). Evidence is said to preponderate “if it establishes ‘the reasonable probability of the fact.’” Jaeger v. Elizabethtown Consol. Gas Co., 124 N.J.L. 420, 423 (Sup. Ct. 1940) (citation omitted). The evidence must “be such as to lead a reasonably cautious mind to the given conclusion.” Bornstein v. Metro. Bottling Co., 26 N.J. 263, 275 (1958).

The YJC charges Zatkos with violating the following regulatory provisions: 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). The FNDA also charges Zatkos with violating H-19.7 C9, for “Falsification: Intentional misstatement of material fact in connection with work, employment application, attendance, or in any record, report, investigation or other proceeding,” which states: “Custody staff will provide honest, accurate information on all documents and/or communications, related to their employment and assignment.”

“Conduct unbecoming,” under N.J.A.C. 4A:2-2.3(a)(7), has been interpreted as an “elastic” phrase that encompasses conduct that “adversely affects the morale or efficiency of [a governmental unit] . . . [or] which has a tendency to destroy public respect for [government] employees and confidence in the operation of [governmental] services.” Karins v. City of Atl. City, 152 N.J. 532, 554 (1998) (quoting In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960)). 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 Emmons, 63 N.J. Super. at 140 (citing Asbury Park v. Dep’t of Civil Serv., 17 N.J. 419, 429 (1955))). I **CONCLUDE** that Zatko’s conduct in fabricating and submitting fraudulent meal receipts on three separate occasions constitutes conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(7).

Zatkos is also charged with violating N.J.A.C. 4A:2-2.3(a)(12), "other sufficient cause." "Other sufficient cause" is an offense for conduct that violates the implicit standards of good behavior which devolve upon one who stands in the public eye as an upholder of that which is morally and legally correct. In re MacDonald, 2014 N.J. AGEN LEXIS 236 (May 19, 2014), adopted, Civil Serv. Comm'n (Sept. 3, 2014), <http://njlaw.rutgers.edu/collections/oal/>. Relating to the charge of "other sufficient cause," Zatkos is charged with violating the YJC's Policy H-19.7 C9 concerning "Falsification: Intentional misstatement of material fact in connection with work, employment application, attendance, or in any record, report, investigation or other proceeding" which states that: "Custody staff will provide honest, accurate information on all documents and/or communications, related to their employment and assignment." Given my findings of fact, I **CONCLUDE** that Zatkos violated this YJC policy, as well as N.J.A.C. 4A:2-2.3(a)(12) because he failed to provide honest and accurate information on employment-related documentation, specifically the three meal receipts and Payment Voucher through which he sought reimbursement/payment. Apart from violating H-19.7 C9, Zatkos' conduct in fabricating these meal receipts violates implicit standards of good behavior, and even more so as a law enforcement officer, who is held to a higher standard.

PENALTY

When dealing with the question of penalty in a de novo review of a disciplinary action against an employee, it is necessary to reevaluate the proofs and "penalty" on appeal based on the charges. N.J.S.A. 11A:2-19; Henry v. Rahway State Prison, 81 N.J. 571 (1980); W.N.Y. v. Bock, 38 N.J. 500 (1962). In determining the appropriateness of a penalty, several factors must be considered, including the nature of the employee's offense, the concept of progressive discipline, and the employee's prior record. George v. N. Princeton Developmental Ctr., 96 N.J.A.R.2d (CSV) 463. Pursuant to Bock, concepts of progressive discipline involving penalties of increasing severity are used where appropriate. See In re Parlow, 192 N.J. Super. 247 (App. Div. 1983). Depending upon the incident complained of and the employee's past record, major discipline may include suspension, removal, or demotion. Bock, 38 N.J. at 522-24.

Here, the YJC argues that a ninety working day suspension is appropriate given that Zatkos submitted three separate fraudulent meal receipts, and that a thirty-day suspension for each offense is warranted. Zatkos has no prior disciplinary history, but received a sixty working day suspension as a result of an infraction that occurred after these charges.

In determining the appropriate penalty here, I consider the nature of the charges and my findings of fact; the fact that Zatkos submitted three falsified meal receipts over a two-month period; and the fact that law enforcement officers are held to a higher standard. I also consider mitigating factors, such as the absence of any prior discipline; and, while not minimizing his misconduct, the fact that Zatkos only stood to gain no more than \$70 through these falsified meal receipts. Given these considerations, I am persuaded that the penalty proposed by the YJC is a reasonable one. Consequently, I **CONCLUDE** that the proposed ninety working day suspension is appropriate and should be sustained.

ORDER

Accordingly, it is **ORDERED** that the charges against the appellant be and hereby are **SUSTAINED**, and that the appellant be suspended for ninety working 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.

April 24, 2026
DATE


SUSANA E. GUERRERO, ALJ

Date Received at Agency: April 24, 2026

Date Mailed to Parties: April 24, 2026

jb

APPENDIX

WITNESSES

For Appellant:

Nicholas Zatkos

For Respondent:

Linda Feminella

Lieutenant Brian Altobelli

George A. Mortensen

Stephanie Jones

EXHIBITS

Joint

J-1 Preliminary Notice of Disciplinary Action

J-2 Final Notice of Disciplinary Action dated November 22, 2024

For Appellant:

None

For Respondent:

R-1 Not in evidence

R-2 Not in evidence

R-3 Zatkos October 2023 Payment Voucher (redacted) and receipts

R-4 R. Phillips October 2023 Payment Voucher and October 18, 2023 receipt
(redacted)

R-5 Zatkos September 2023 Payment Voucher (redacted) and receipts

R-6 Report by Linda Feminella

R-7 Not in evidence

R-8 Report by Lt. Brian Altobelli, with attachments

R-9 YJC Discipline Policy: HR 19.7

R-10 Packet provided to management by Office of Investigations, including Summary Report prepared by Jones and other documents prepared or compiled by the Office of Investigations