



STATE OF NEW JERSEY

**DECISION OF THE
CIVIL SERVICE COMMISSION**

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

CSC Docket No. 2026-1928

Request for Reconsideration
Request for Stay

ISSUED: August 12, 2026 (HS)

Monmouth County, represented by Steven W. Kleinman, Esq., petitions the Civil Service Commission (Commission) for reconsideration of *In the Matter of Jonathan Scotto-DiFrega, Monmouth County, Department of Corrections* (CSC, decided December 17, 2025), which reversed Jonathan Scotto-DiFrega's removal. Monmouth County also requests a stay of that decision, which is incorporated herein by reference.

As background, the petitioner presented Scotto-DiFrega, a County Correctional Police Officer, with a Preliminary Notice of Disciplinary Action (PNDA) and, subsequently, a Final Notice of Disciplinary Action (FNDA) that removed him on charges of conduct unbecoming a public employee; other sufficient cause; and violations of Monmouth County rules, regulations, and policy. Specifically, the petitioner indicated that a Final Restraining Order (FRO) was issued to Scotto-DiFrega on October 8, 2024.

Upon Scotto-DiFrega's appeal, the matter was transmitted to the Office of Administrative Law (OAL) as a contested case. After the hearing, the Administrative Law Judge (ALJ) determined that the petitioner had not met its burden of proof with regard to the charges and recommended in her initial decision that the removal be reversed:

The [petitioner] relies on the issuance of the October 8, 2024 FRO in support of their disciplinary charge of Conduct Unbecoming. The

[petitioner] argues that the Order represents a finding of a violation of the Prevention of Domestic Violence Act, which constitutes conduct unbecoming. The [petitioner] 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 [Scotto-DiFrega]. The initial suspension of [Scotto-DiFrega] 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 [petitioner] 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 [Scotto-DiFrega] 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 [Police Training Commission] and no other conduct occurred. Accordingly, I conclude that the [petitioner] has failed to prove conduct unbecoming by the preponderance of the credible evidence.

Upon its *de novo* review of the record, the Commission, not being persuaded by the petitioner’s exceptions, accepted the ALJ’s recommendation to reverse the removal. It ordered that Scotto-DiFrega was to be granted back pay, benefits, and seniority from his first date of separation without pay when he was eligible to return to work to the actual date of reinstatement, as well as counsel fees. The parties were to make a good faith effort to resolve any dispute as to the amount of back pay or counsel fees. However, under no circumstances was Scotto-DiFrega’s reinstatement to be delayed pending resolution of any potential back pay or counsel fees dispute.

In its request for reconsideration, the petitioner argues that the “disturbing result” of the Commission’s “fatally flawed” decision is that a law enforcement officer adjudicated to be a domestic abuser will be restored to his public employment at a maximum security correctional facility with back pay and benefits, though he is

grossly unfit to serve in a position requiring sound judgment. The petitioner contends that “while the Commission understands [Scotto-DiFrega] does not deserve his job back, it was swayed by erroneous procedural concerns rather than the actual facts of the case.” The ALJ, in its view, sought to justify or minimize the severity of Scotto-DiFrega’s conduct in her “bizarre and disturbing” initial decision. The petitioner contends that said decision did not credibly explain why, after a Superior Court proceeding had concluded that Scotto-DiFrega had committed the crime of domestic violence to the same standard required in a Civil Service removal proceeding, it was obligated to conduct some sort of extensive internal affairs investigation to reach that same conclusion. Further, requiring the petitioner to conduct the separate investigation demanded by the ALJ would require its internal affairs personnel to delve into extremely messy and sensitive personal matters without the investigative tools, such as subpoenas, necessary to effectively do so. According to the petitioner, the Attorney General’s Internal Affairs Policy and Procedures (IAPP) allows law enforcement agencies to do what it did here – determine that the compelling evidence already in the record was more than enough to determine that Scotto-DiFrega, by committing adjudicated acts of domestic violence, had engaged in conduct unbecoming of a law enforcement officer and was no longer fit to serve. Specifically, it highlights IAPP Section 6.4.7, which states with respect to domestic violence incidents: “Internal affairs is responsible for reviewing the incident’s investigation and conducting whatever further investigation is necessary to determine if the officer violated agency rules and regulations or if the officer’s fitness for duty is in question.”

The petitioner highlights that Scotto-DiFrega, in his OAL testimony, had admitted “that he authored many of the inappropriate text messages to his wife.” Further, in his settlement agreement with the Police Training Commission (PTC) authorizing the conditional restoration of his law enforcement license, he conceded he had engaged in acts of domestic violence. The petitioner urges the Commission to reconsider the detrimental consequences of its decision, which does a grave disservice to domestic violence victims, and make an independent call rather than defer to the ALJ.

The petitioner further argues that seemingly every Commission member who spoke at the December 17, 2025 meeting had reservations about the prospect of returning Scotto-DiFrega to employment. It also argues that the written decision did not include the Commission’s expressed reasoning for restoring Scotto-DiFrega to work and that said decision should have explicitly stated the Commission’s conclusion.

In addition, the petitioner brings the following issue to the Commission’s attention if it decides not to reconsider the prior decision. Specifically, it notes that as part of his settlement agreement with the PTC, Scotto-DiFrega was to attend 24 consecutive weeks of anger management treatment beginning May 1, 2025. Upon completion of said treatment, which should have been on or about October 16, 2025,

sufficient documentation was to be provided to the PTC to confirm completion of the treatment or whether a further fitness-for-duty evaluation would be needed. The settlement agreement stated that any failure to successfully complete the treatment would be deemed a breach of the settlement and result in adverse licensure action by the PTC. The petitioner states that it requested confirmation from Scotto-DiFrega that he complied with the settlement but received no response. It then independently contacted the PTC and learned that Scotto-DiFrega ignored his obligations under the settlement and has not received any anger management treatment. Thus, it argues that in a circumstance where Scotto-DiFrega has so clearly disregarded the conditions of treatment he agreed was necessary to ensure his fitness for duty as a sworn law enforcement officer, it would be improper for the Commission to assume he was fit to serve any time after April 24, 2025. Therefore, he must be deemed ineligible for back pay and must not be restored to active service now.

In response, Scotto-DiFrega, represented by Patrick J. Caserta, Esq., argues that the petitioner has no new evidence and has made no effort to suggest that any argument put forth now was unavailable to it when the matter was first considered by the Commission. He notes that the petitioner's position was based only upon the entry of the FRO and nothing more. Obviously, if an employer terminates an employee based upon his conduct in an off-duty matter arising in the context of a matrimonial dispute, the employer should make an effort to determine exactly what happened. That is especially true when the employer claims the off-duty conduct proves the employee is unfit to effectively perform a job he has held, without incident, for many years. Scotto-DiFrega notes that the petitioner argues that the IAPP provides that, when an officer is accused of domestic violence, the employer would generally not be the primary investigating agency. Scotto-DiFrega contends that while that is accurate, the petitioner tries to offer this here as its excuse for conducting *no* investigation. He argues that the petitioner could have done what other agencies regularly do and invite his ex-wife to provide a statement. Certainly, if nothing else, the petitioner could have *compelled* him to submit to an internal affairs interview as per the IAPP. It seems, to Scotto-DiFrega, the petitioner expects it can terminate an employee on an allegation of egregious conduct; make no effort to investigate the alleged conduct; offer no evidence of the conduct at the hearing; and then, when evidence supporting a finding that the conduct was not egregious is found credible, argue that this finding is immaterial. And as to that underlying conduct, Scotto-DiFrega explains that it consisted entirely of text messages he sent addressing his complaints regarding his ex-wife's alleged failure to comply with the terms of their agreement as to visitation with their children. The texts were not consistent with an existing agreement between the parties and the court found this, not the texts alone, constituted harassment, a petty disorderly persons offense and the lowest level of quasi-criminal offense. Specifically, the court stated:

In this case, again, we've got page upon page of texting. Now, again, if there weren't a civil restraint agreement, I think the content of those texts on their own are not necessarily harassing.

And although, you know, his manner of expressing himself is probably not acceptable, you know, but again, in and of itself, were it not for their civil restraints, you know, may not rise to the level.

Scotto-DiFrega adds that it is irresponsible for the petitioner to characterize the court's decision as a finding that he committed a crime given that a determination that someone's actions amounted to harassment in the context of an FRO proceeding is determined by the "preponderance of the evidence standard," not the much stricter "beyond a reasonable doubt" standard.

Scotto-DiFrega explains that at the OAL hearing, it was his position that a thorough review of the actual events leading up to the issuance of the FRO would not support his removal. The petitioner had not made an effort to investigate the underlying facts, so he presented himself and his ex-wife to not only offer direct testimony but to submit to cross-examination by the petitioner. The ALJ heard this testimony; found the witnesses credible; and ruled that termination was not warranted. He contends that different types of conduct could support an FRO. Due process and fundamental fairness require an evaluation of the conduct on a case-by-case basis.

Scotto-DiFrega adds that the earlier six-month suspension, which was not the subject of this appeal, was imposed because an FRO was issued and the PTC license was suspended. He has been punished for being the subject of an FRO.

Turning to his settlement with the PTC, Scotto-DiFrega argues that the petitioner is improperly seeking to add an issue here that is not properly before the Commission: his compliance with the PTC's requirement that he attend anger management treatment. Scotto-DiFrega does not dispute the PTC imposed this requirement, but he maintains it was not imposed as a *precondition* to the restoration of his license. The license was restored as of April 25, 2025, and the treatment was to begin on May 1, 2025. However, he has been without pay and benefits since October 2024, and he was unable to afford the treatment. It was anticipated that he would begin attending and paying for treatment after his salary and benefits were restored. Nevertheless, Scotto-DiFrega states he is currently attending the required treatment in anticipation of his return to work; the PTC is fully aware of the situation and has been monitoring his progress via the required updates submitted weekly by the counselor; and the PTC settlement agreement remains intact. Scotto-DiFrega notes that the petitioner never raised the issue of whether he was attending treatment at the OAL hearing and argues the petitioner is only raising the issue here in an attempt to avoid its obligation to fully reimburse back pay.

In reply, the petitioner reiterates its position that it has proven Scotto-DiFrega is an adjudicated domestic abuser and is unworthy of resuming his career and that the ALJ and Commission have focused on immaterial procedural matters. The Commission must afford its considered determination the appropriate level of respect. *See In the Matter of Brian Ambroise*, 258 N.J. 180, 206 (2024) (citing *Bowden v. Bayside State Prison*, 268 N.J. Super. 301, 306 (App. Div. 1993)).

Additionally, the petitioner argues that Scotto-DiFrega is ineligible to be returned to active duty as he is not qualified to perform sworn law enforcement duties. Specifically, according to information received from the PTC, Scotto-DiFrega does not currently hold an active law enforcement license. Thus, the petitioner urges that back pay must be denied, *see N.J.A.C. 4A:2-10(d)9*, and Scotto-DiFrega's prospective restoration to active service must be stayed, unless and until Scotto-DiFrega can regain his active law enforcement license. It contends that the Commission's order that it "immediately reinstate [Scotto-DiFrega] to his permanent position," in the absence of his holding the necessary credentials to perform any of the duties of that position, is currently illegal. In support, the petitioner submits a copy of the April 2, 2026 email from the PTC, which states:

[P]lease be advised that Jonathan Scotto-DiFrega does not currently hold an active law enforcement license. The Monmouth County Sheriff's Office will need to submit an initial application on his behalf, including a full background investigation (*N.J.A.C. 13:1-10.3*), drug screening test (*N.J.A.C. 13:1-10.5*), psychological exam (*N.J.A.C. 13:1-10.6*), and social media search (*N.J.A.C. 13:1-10.3*). Please note that no medical exam is required since he will not be required to attend the police academy. Please advise if you require anything further.

The petitioner further argues that a stay of the Commission's prior decision is warranted. Specifically, it argues that it is apparent that the Commission's order to reinstate Scotto-DiFrega, in the absence of his holding the necessary credentials to perform any of the duties of that position, is currently illegal. The irreparable harm of forcing the petitioner to illegally employ Scotto-DiFrega as a County Correctional Police Officer is self-evident, and, conversely, there is no harm to him if he is precluded from working in a sworn law enforcement position he presently has no legal authorization to perform. It is hard to see what more might be required to justify a stay under the public interest.

In reply, Scotto-DiFrega insists the Commission's deliberations on December 17, 2025 are not part of this record and are not the Commission's decision. In his view, the petitioner is merely rearguing its case under the guise of alleging material error. He reiterates that at the time of his settlement agreement with the PTC, he had completed a six-month suspension imposed by the petitioner due to the pendency of the PTC's action, all based upon the FRO. It is not as though he has suffered no

consequences. Scotto-DiFrega notes that the petitioner is asking the Commission to state a position that someone who has committed an act of domestic violence is fit to serve as a County Correctional Police Officer. However, he urges that each case must be evaluated on its own merits, *i.e.*, everyone is entitled to due process. It is entirely reasonable and fair to conclude that a County Correctional Police Officer with virtually no prior disciplinary history can continue to be a good officer even if he used a text messaging application other than the application the parties agreed to use, in the midst of the breakup of his marriage and the impact that has on his time with his children.

In addition, Scotto-DiFrega acknowledges that his law enforcement license expired as of December 31, 2025. As to that and the issue of the anger management treatment required by the PTC, Scotto-DiFrega argues that neither issue is within the jurisdiction of the Commission and these issues are pending before the PTC. He reiterates that the treatment was a subsequent requirement, not a precondition to reinstatement of his license. Scotto-DiFrega states that he has asked the PTC for additional time to complete the treatment, and he is in full compliance with their terms at this time. As to the expiration of his license, this is little more than a gimmick created by the petitioner to further its efforts to harm him. The fact is, when these licenses are due to expire, the employer (here the petitioner) prepares a package that includes forms signed by the employee and the employer to be submitted to the PTC. As he was removed at the time, it appears the petitioner failed to provide him with the forms and failed to submit their part of the application. Scotto-DiFrega has been in contact with the petitioner and has now been provided with some paperwork to submit his application for reinstatement. Scotto-DiFrega recognizes that this may be a consideration when back pay is eventually calculated, and it will be addressed at that time. However, this is an issue for the PTC.

In reply, the petitioner insists, among other things, that Scotto-DiFrega's failure to hold a valid law enforcement license cannot be left to another day and must be addressed by the Commission now. The petitioner maintains that Scotto-DiFrega had an obligation to timely address the status of his law enforcement license, and he is improperly attempting to now foist this responsibility off on the petitioner. The petitioner asserts that Scotto-DiFrega never brought his license status to its attention until the petitioner was informed by the PTC that his license was not active, and the petitioner brought this concern to the Commission through this application.

CONCLUSION

Request for Reconsideration

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration shall be in writing signed by the petitioner or the petitioner's representative and must show the following: (1) the new evidence or additional information not presented at the original proceeding, which would change the outcome and the reasons that such evidence was not presented at the

original proceeding; or (2) that a clear material error has occurred. A review of the record reveals that reconsideration is not justified. While the petitioner may believe that the Commission needs to offer a more explicit statement of its conclusion, the Commission will rely on the ALJ's initial decision and its prior decision, which the Commission rendered after its independent evaluation of the record. Comments made by individual Commission members at its December 17, 2025 meeting are not part of the record, and the prior decision expressed the Commission's reasoning. It adds the following comments.

The Commission is aware that in *Ambroise, supra*, the New Jersey Supreme Court recently reaffirmed the principle that corrections officials' appraisals concerning the seriousness of an offense and the degree to which such offense subverts discipline should be given significant weight.¹ At the same time, the Court there acknowledged that the Commission "is empowered to review *de novo* the disciplinary charges before it and may disapprove the penalty imposed by the appointing authority." *Ambroise*, 258 N.J. 180 at 200 (cleaned up). Thus, the issue is whether the petitioner met its burden of proof to demonstrate that removal was justified in this case. It did not under the circumstances, and the Commission would highlight that the petitioner had already imposed a six-month suspension for the same underlying conduct.² Specifically, the ALJ found:

The initial suspension of [Scotto-DiFrega] 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.

In other words, it would be inequitable to impose removal where the petitioner had already imposed a six-month suspension for the same underlying conduct. The ALJ also found as fact that on April 17, 2024, the PTC entered into an agreement with Scotto-DiFrega, restoring his law enforcement license effective April 24, 2025. In short, the Commission considered the facts of the case and was not merely "swayed by erroneous procedural concerns" as the petitioner suggests. The Commission's decision further should not be interpreted to mean that it does not take the issue of domestic violence seriously. In this regard, the ALJ, in her decision, specifically stated that she "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."

Finally, the issues of Scotto-DiFrega's anger management treatment being incomplete and his law enforcement license being inactive as of 2026 do not represent new information to change the outcome as Scotto-DiFrega's removal was not predicated on either issue. The ALJ and the Commission only have jurisdiction to adjudicate disciplinary charges and specifications which were sustained at the

¹ It is noted that *Ambroise* and *Bowden, supra*, concerned undue familiarity between the employee and inmates, which is absent here.

² Specifically, the ALJ found that on November 15, 2024, an FNDA was issued by the petitioner maintaining Scotto-DiFrega's suspension, for a period not to exceed six months.

departmental level hearing. See *Hammond v. Monmouth County Sheriff's Department*, 317 N.J. Super. 199 (App. Div. 1999); *Lamont Walker v. Burlington County*, Docket No. A-3485-00T3 (App. Div. October 9, 2002); *In the Matter of Charles Motley* (MSB, decided February 25, 2004).³

Accordingly, the petitioner has not met the standard for reconsideration as it has not shown that a clear material error has occurred or presented new information that would change the outcome.

Request for Stay

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

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.

Also, *N.J.A.C.* 4A:2-1.2(f) allows a party, after receiving a final administrative decision by the Commission and upon filing an appeal to the Appellate Division, to petition the Commission for a stay pending the decision of the Appellate Division. See also, *N.J. Court Rules* 2:9-7.

Since the Commission's prior decision has not yet become a final administrative decision due to, at minimum, outstanding issues of back pay and an appeal has yet to be filed with the Appellate Division, the petitioner's request for a stay is technically premature at this juncture. Nevertheless, for informational purposes, even if the request had been timely filed, there would be no basis for a stay as discussed below.

Initially, there does not appear to be a clear likelihood of success on the merits of an appeal before the Appellate Division. It is well settled that an appellate court will reverse the final decision of an administrative agency only if it is arbitrary, capricious or unreasonable or if it is not supported by substantial credible evidence in the record as a whole, or if it violates legislative policy expressed or fairly to be implied in the statutory scheme administered by the agency. See *Karins v. City of Atlantic City*, 152 N.J. 532, 540 (1998); *Henry v. Rahway State Prison*, 81 N.J. 571, 579-80 (1980); *Mayflower Securities v. Bureau of Securities*, 64 N.J. 85, 92-93 (1973); *Campbell v. Civil Service Department*, 39 N.J. 556, 562 (1963). In the present matter, the petitioner argues that a stay of the Commission's prior decision is needed because it cannot legally employ Scotto-DiFrega since he does not presently possess the legal authorization to perform the duties of a County Correctional Police Officer. However, this cannot be a basis for the Commission to

³ At best, periods of time during which Scotto-DiFrega's law enforcement license was inactive could be a consideration when back pay is determined. However, the Commission is not deciding the amount of back pay here and reminds the parties that under *N.J.A.C.* 4A:2-2.10(f), determination of the actual amount of back pay shall be settled by the parties whenever possible.

stay its decision because, to reiterate, Scotto-DiFrega's removal was not predicated on his law enforcement license being inactive as of 2026. Accordingly, the petitioner has not demonstrated a basis for a stay of the Commission's decision.⁴

Finally, the Commission advises the petitioner that any further delay in complying with the prior decision could result in the imposition of fines, up to \$10,000 pursuant to *N.J.A.C.* 4A:10-1.1(b) and *N.J.A.C.* 4A:10-2.1(a).

ORDER

Therefore, it is ordered that these requests for reconsideration and for a stay be denied.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12TH DAY OF AUGUST, 2026



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⁴ To the extent that the petitioner believes that it cannot employ Scotto-DiFrega as a County Correctional Police Officer due to an inability to perform the duties of that position due to his alleged inactive PTC license and failure to comply with the settlement agreement with the PTC, it may, in its discretion, consider instituting new disciplinary proceedings. However, the Commission here takes no position on the merits of such new proceedings.