



STATE OF NEW JERSEY

In the Matter of Stacey Williams,
Roselle, Police Department

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2026-1754

Request for Stay

ISSUED: September 2, 2026 (SLK)

The Borough of Roselle (Roselle), represented by Allan C. Roth, Esq., requests a stay of *In the Matter of Stacey Williams* (CSC, decided December 17, 2025) and the Chairperson's January 22, 2026 letter.

As background, as set forth in *In the Matter of Stacey Williams* (CSC, decided June 11, 2025),¹ Williams, the Police Chief of Roselle's Police Department, was removed, based on two separate removals, effective March 14, 2024, on charges. Upon his appeal, the matter was transmitted to the Office of Administrative Law and heard by an Administrative Law Judge (ALJ). The ALJ recommended reversing one removal and modifying one removal to a 30-working day suspension. Upon its *de novo* review, the Civil Service Commission (Commission) adopted the ALJ's recommendations. Consequently, the Commission ordered Williams' reinstatement to Police Chief, with differential back pay, benefits, and seniority as well as reimbursement of 50 percent of his counsel fees. In *In the Matter of Stacey Williams* (CSC, decided December 17, 2025), the Commission, in relevant part, granted Williams' request for enforcement and ordered that he be immediately reinstated to his Police Chief position.

In response, Roselle wrote this agency a letter claiming that due to existing Civil Service protections, due-process requirements, and the rights of incumbent

¹ The appellant's response to the current stay request indicates that Roselle also appealed the June 11, 2025 decision to the Superior Court of New Jersey, Appellate Division (Appellate Division).

officers that were appointed to positions in response to Williams' separation, which this agency approved, it cannot comply with the Commission's order without exposing itself to liability. Further, Roselle emphasized that even though Williams' retirement application was withdrawn, it relied on Williams' retirement application to make "permanent" appointments. Moreover, Roselle highlighted that when one submits an application for retirement, the employee acknowledges their understanding that changing or canceling their retirement dates does not guarantee continued employment with their employer.

In reply, the Chairperson directed that Helder Freire's personnel records in Roselle and with this agency be updated to reflect an interim appointment as Police Chief, effective July 24, 2024, to July 11, 2025, which is 30 days after the Commission ordered that Williams be immediately reinstated to his Police Chief position. It is noted that a warning to an employee that a withdrawn retirement application does not guarantee continued employment with an employer does not signify that a Commission's order to reinstate an appellant whose discipline appeal is granted cannot be implemented merely because the appointing authority made interim appointments pending the outcome of the disciplinary proceedings. The Chairperson indicated that Roselle should have reinstated Williams as Police Chief within 30 days of the Commission's June 11, 2025, decision and was required to make a good faith effort to ensure his receipt of differential back pay, benefits, and seniority as well as 50 percent of his counsel fees.

In this request, Roselle is requesting a stay of the Commission's decision, and the Chairperson's subsequent letter, pending its appeal to the Appellate Division. It contends that it meets the standard for a stay. Roselle notes that Williams has been reinstated to its payroll and his benefits have been reinstated while it placed him on administrative leave. However, it presents that it is currently in the process of contacting the Police Training Commission (PTC) to ascertain the status of Williams' police license. Roselle asserts that it cannot permit Williams to perform Police Chief duties without confirmation that he has an active license.

Roselle states that if the Appellate Division reverses the Commission's decision, the guidance that the Chairperson provided would be moot. It claims that it meets the standard for a stay as it argues that the prejudice to Roselle outweighs the harm to Williams since he is currently receiving his pay and benefits pending its appeal to the Appellate Division. Further, it contends that the facts, which include pension issues and Roselle's and this agency's actions following Williams vacating his position by filing his retirement application, support that it will likely succeed on the merits. Finally, Roselle believes that a full vetting by the Appellate Division is in the public interest.

In reply, Williams, represented by Patrick P. Toscano, Esq., notes that Roselle initially attempted two bases to remove him, "Removal One," the "performance

matter,” and Removal Two, the “conduct matter.” He provides that the Commission reversed Removal One and modified Removal Two to a 30-working day suspension. Williams highlights that the Commission has now twice ordered that he be reinstated immediately, but Roselle has not done so. Instead, he indicates that Roselle has placed him on administrative leave while restoring his pay and benefits pending its appeal to the Appellate Division. Further, Williams provides that Roselle is also taking a parallel effort to remove him by serving him a new Preliminary Notice of Disciplinary Action (PNDA) seeking his termination, effective February 10, 2026, based on an alleged lack of PTC licensure.

Concerning the scope of Roselle’s appeal, Williams notes that Roselle is not challenging the ALJ’s factual findings or the Commission reversing Removal One. Therefore, he claims that there is no basis for interim relief regarding these issues. Instead, Williams states that the “conduct matter,” where his removal was modified to a 30-working day suspension is the only issue appealed to the Appellate Division. He asserts that for Roselle to be successful on appeal, the Appellate Division would have to substitute its judgment regarding the Commission’s penalty determination. Therefore, Williams believes that Roselle is unlikely to be successful on appeal and any attempt to fold the “performance matter” into this stay request is improper.

Williams claims that Roselle’s stay improperly seeks to retroactively excuse eight months of noncompliance of the Commission’s two prior decisions, which includes an enforcement action requiring his immediate reinstatement. He asserts that to grant Roselle’s stay request would allow Roselle to continue to exclude him from employment and would signal to other appointing authorities to use a stay as a litigation tactic to allow an agency order is to be treated as optional and to continue noncompliance.

Williams argues that Roselle cannot establish a clear likelihood of success on the merits. He states that Roselle has not presented a close legal question and its stay is not aimed at correcting a misapplication of the law by the Commission. Rather, Roselle is challenging the Commission’s decision to modify his removal to a 30-day working suspension for the “conduct matter.” Williams asserts that Roselle needs to argue more than it would have imposed a harsher sentence as the Commission’s decision is entitled to substantial deference. He presents that the Commission issued a reasoned decision, expressly acknowledging the seriousness of the language, the heightened standards for law enforcement, and the principles of progressive discipline. Williams provides that the Commission expressed that his conduct was “abhorrent” and found a 30-working day suspension to be “weighty.” He emphasizes that there are no disputes of fact regarding the sustained incident. Instead, the Commission, based on the record, found that the incident was contextual, not targeted at an individual, and not reflective of discriminatory intent. Further, the Commission considered Williams’ long service record and lack of disciplinary

history in determining the penalty. Therefore, William argues that Roselle is unlikely to succeed.

Williams states that there is no danger or immediate or irreparable harm to Roselle. He highlights that Roselle has been on notice since June 2025 that he needs to be reinstated. Therefore, Williams provides that Roselle has had plenty of time to plan for his reinstatement and Roselle should not be rewarded for its noncompliance with Commission orders.

Williams asserts that he suffered and continues to suffer substantial injury as he has been deprived of his ability to work and forced to live in professional limbo. He states that his professional standing, command authority, and reputation in the department and the community become harmed the longer his reinstatement is delayed. He believes that a stay would legitimize Roselle's continued noncompliance.

Williams contends that the public interest favors compliance with the Commission's orders and his reinstatement. He reiterates that the Commission ordered his reinstatement over eight months ago and Roselle's continued noncompliance undermines the public's confidence in the Civil Service system. Further, Williams believes that if the Commission grants a stay, other appointing authorities will treat Commission decisions as optional.

In reply, Roselle indicates that it has paid attorney fees as ordered. It states that on January 29, 2026, Roselle was notified that Williams does not hold a valid police license. Specifically, it emphasizes that the PTC does not indicate that Williams' license was suspended. Rather, the PTC states that Williams does not have a license and Williams needs to submit an initial application for review. Thereafter, on February 10, 2026, Roselle issued a PNDA to Williams immediately suspending him without pay based upon his inability to perform as a law enforcement officer. Subsequently, on February 11, 2026, Williams submitted to Roselle his initial PTC application which was received by the PTC on February 12, 2026. The PTC advised that Williams will be subjected to a psychological examination, a drug screening, and a full background check. Therefore, Roselle contends that Williams cannot be reinstated because he does not have an active police license.

Roselle argues that it has a clear likelihood of success because Williams cannot serve, as a matter of law, as a law enforcement officer without an active license. It states that under the Police Training Act, the PTC has the sole authority to prescribe licensing. Therefore, since Williams cannot serve as Police Chief as a matter of law, Helder Freire should remain as the Police Chief. Roselle indicates that it would be harmed if Williams is reinstated as Police Chief without PTC licensing, and it is in the public interest not to reinstate Williams while he does not have an active PTC license.

In further response, Williams presents that Roselle has now filed a March 16, 2026, Order to Show Cause and Verified Complaint with the Superior Court of New Jersey to prevent Williams' reinstatement while the Appellate Division appeal is pending. He contends that this action is further evidence of Roselle's continued noncompliance with the Commission's orders as it keeps seeking new forums to challenge the Commission's orders. Williams argues that Roselle's resorting to another judicial forum demonstrates that it cannot meet the standard for interim relief.

CONCLUSION

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

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.

In this matter, Roselle has not met the standard for a stay. While every party who appeals to the Appellate Division believes that they have a clear likelihood of success on the merits and the appointing authority may disagree with the Commission's prior decisions, the Commission explained *In the Matter of Stacey Williams* (CSC, decided June 11, 2025) and *In the Matter of Stacey Williams* (CSC, decided December 17, 2025) why the Commission rejected Roselle's arguments and why Williams' removal should be modified to a 30-working days suspension. *See In the Matter of Christopher D'Amico* (CSC, decided August 14, 2019). Therefore, Roselle is unlikely to succeed on the merits. Further, it is Williams who is suffering immediate harm by not being reinstated as ordered, Roselle is not being substantially injured by following the Commission's orders, and it is in the public interest that the Commission's orders be followed.

As indicated in the Chairperson's January 22, 2026 letter, Helder Freire's personnel records with this agency were updated to reflect an interim appointment as Police Chief effective July 24, 2024 to July 11, 2025, which was 30 days after the Commission ordered Williams be immediately reinstated to his Police Chief position. Further, William's personnel record with this agency was also updated to indicate that he returned to his position as Police Captain July 11, 2025, which was 30 days after the Commission's June 11, 2025 decision.

Concerning Williams' lack of a police license, this is a new and separate issue that is independent of the Commission's prior decisions. The appointing authority indicates that it issued Williams a new PNDA, immediately suspending him for being unable to perform duties as he does not currently possess a police license as issued by the PTC. In this regard, an employee may be suspended immediately and indefinitely and prior to a hearing where it is determined that the employee is unfit for duty or is a hazard to any person if permitted to remain on the job, or that an immediate suspension is necessary to maintain safety, health, order or effective direction of public services. *See N.J.A.C. 4A:2-2.5(a)1.* Further, the immediate suspension may be with or without pay. *See N.J.A.C. 4A:2-2.5(b).* As such, it was appropriate Roselle to immediately suspend Williams without pay pending the determining of his police licensure as Williams is currently unfit for duty as one cannot perform police duties in the State without an active license. *See N.J.S.A. 52:17B-66, et seq. and N.J.A.C. 13:1-1., et seq.* Additionally, while Williams is indefinitely suspended, it appropriate for Roselle to appoint Helder Friere as Police Chief on an interim basis. *See N.J.A.C. 4A:1.6(b)2.*

On more item needs to be addressed. Roselle indicates that Williams was returned to payroll status on January 26, 2026. In *In the Matter of Stacey Williams (CSC, decided December 17, 2025)*, the Commission noted that Williams is entitled to his pay from June 11, 2025, the date of the Commission's decision reversing and modifying his removals. While the record is unclear, it does not appear that Roselle has paid Williams from June 11, 2025 through January 25, 2026.² Williams is entitled to his pay until new administrative charges were issued regardless of the determination of his police licensure. Further, Roselle's pending Appellate Division appeals are not a basis for withholding this pay. However, it is noted that if Roselle is successful on appeal to the Appellate Division and it upholds Williams' removal, Williams will need to reimburse Roselle for all base pay received. *See In the Matter of John Arrington (CSC, decided April 28, 2021).*

Finally, the Commission notes its power to assess compliance costs and fines against an appointing authority. Now that the stay request has been denied, the appointing authority should be mindful that any further delay in implementing the Commission's June 11, 2025 and December 17, 2025 orders will subject it to fines and penalties pursuant to *N.J.A.C. 4A:10-2.1(a)2.*

ORDER

Therefore, it is ordered that this request for a stay be denied and all terms of the prior decisions remain in effect. However, it is noted that Williams' new immediate and indefinite suspension without pay is appropriate.

² Williams is entitled to receive his pay through February 9, 2026. However, it appears that he has been paid from January 26, 2026 through February 9, 2026.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 2ND DAY OF SEPTEMBER, 2026



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