



*State of New Jersey*

DEPARTMENT OF HUMAN SERVICES  
PO Box 700  
TRENTON, NJ 08625-0700

CHRIS CHRISTIE  
GOVERNOR

KIM GUADAGNO  
LT. GOVERNOR

ELIZABETH CONNOLLY  
COMMISSIONER

FINAL DECISION  
OAL DKT. NO. HSL 13154-15  
AGENCY DKT. NO. DRA# 15-004

D.S.,

Petitioner,

v.

DEPARTMENT OF HUMAN SERVICES,

Respondent.

**A. INTRODUCTION**

On August 13, 2015, D.S. filed an appeal disputing the placement of his name on the Central Registry of Offenders against Individuals with Developmental Disabilities. The matter was transmitted to the Office of Administrative Law (OAL) on August 24, 2015 as a contested case. The Administrative Law Judge (ALJ), Tama B. Hughes, notes in the Initial Decision that, "The matter was scheduled for a number of conferences, the last one having been scheduled for November 8, 2017, which was adjourned due to the parties having reached a settlement. A Settlement Agreement indicating the terms of settlement was signed by the parties and submitted to the OAL on December 6, 2017, as well as a Stipulation of Dismissal with Prejudice. A copy of the Settlement and Stipulation is attached hereto."

**B. THE INITIAL DECISION**

**1. ALJ's Findings**

Based upon a review of the record and proceedings present in the Office of Administrative Law's file of the matter, the ALJ found the following:

- a. The parties have voluntarily agreed to the Settlement as evidenced by the signatures of the parties or their representatives.
- b. The Settlement fully disposes of all issues in controversy and is consistent with the law.

2. **ALJ's Conclusions**

From the findings listed above, the ALJ concluded the agreement meets the safeguard requirements of N.J.A.C. 1:1-19.1.

3. **ALJ's Order**

The ALJ ordered that the parties comply with the Settlement terms and that the proceedings should be dismissed with prejudice.

**C. EXCEPTIONS**

No exceptions were filed.

**D. FINAL AGENCY DECISION**

Pursuant to N.J.A.C. 1:1-18.1(f) and based upon a review of the ALJ's Initial Decision, the Settlement Agreement, and the entirety of the OAL file, I concur with the Administrative Law Judge's findings and conclusions. I **CONCLUDE and AFFIRM** that the attached agreement is consistent with the law and properly disposes of the issues present in the appeal of the placement of D.S.'s name on the Central Registry of Offenders against Individuals with Developmental Disabilities.

Therefore, pursuant to N.J.A.C 1:1-18.6(d), it is the Final Decision of the Department of Human Services that I **ORDER** the ratification of the Settlement Agreement and the placement of D.S.'s name on the Central Registry of Offenders against Individuals with Developmental Disabilities.

Date: 1/8/18

  
\_\_\_\_\_  
Lauri Woodward, Director  
Office of Program Integrity and Accountability

Dist.  
L Woodward  
D Swan  
D Robinson

(M)  
12/21/17



Received

DEC 21 2017

Office Of Program Integrity  
And Accountability

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

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. HSL 13154-15

AGENCY DKT. NO. DRA No. 15-004

D.S.,

Petitioner,

v.

DEPARTMENT OF HUMAN SERVICES,

Respondent.

Rolando Torres, Jr., Esq., for petitioner

Lauren S. Kirk, Deputy Attorney General, for respondent (Christopher S. Porrino, Attorney General of New Jersey, attorney)

Record Closed: December 6, 2017

Decided: December 20, 2017

BEFORE: TAMA B. HUGHES, ALJ:

On August 24, 2015, this matter was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to B-15 and N.J.S.A. 52:14F1 to F-13. The matter was scheduled for a number of conferences, the last one having been scheduled for November 8, 2017, which was adjourned due to the parties having reached a settlement. A Settlement Agreement indicating the terms of settlement was signed by the parties and submitted to the OAL on December 6, 2017,

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as well as a Stipulation of Dismissal with Prejudice. A copy of the Settlement and Stipulation is attached hereto and made a part hereof.

I have reviewed the record and terms of the Settlement and **FIND:**

1. The parties have voluntarily agreed to the Settlement as evidenced by the signatures of the parties or their representatives.
2. The Settlement fully disposes of all issues in controversy and is consistent with the law.

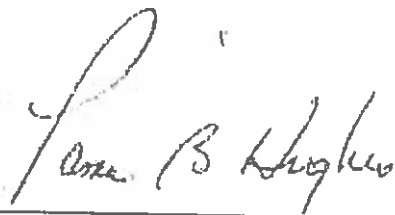
I **CONCLUDE** that the agreement meets the safeguard requirements of N.J.A.C. 1:1-19.1 and, accordingly, I approve the Settlement and **ORDER** that the parties comply with the Settlement terms and that these proceedings be **CONCLUDED**.

I hereby **FILE** my initial decision with the **DIRECTOR OF THE OFFICE OF PROGRAM INTEGRITY AND ACCOUNTABILITY** for consideration.

OAL DKT. NO. HSL 13154-15

This recommended decision may be adopted, modified or rejected by the **DIRECTOR OF THE OFFICE OF PROGRAM INTEGRITY AND ACCOUNTABILITY**, which by law is authorized to make a final decision in this matter. If the Director of the Office of Program Integrity and Accountability 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.

December 20, 2017  
DATE

  
\_\_\_\_\_  
TAMA B. HUGHES, ALJ

Date Received at Agency: 12/21/17

Date Mailed to Parties: \_\_\_\_\_

/v/



State of New Jersey  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET  
PO Box 112  
TRENTON, NJ 08625-0112

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

CHRISTOPHER S. PORRINO  
Attorney General

MICHELLE L. MILLER  
Acting Director

December 4, 2017

The Hon. Tama B. Hughes, A.L.J.  
Office of Administrative Law  
9 Quakerbridge Plaza  
P.O. Box #049  
Trenton, New Jersey 08625

Re: Department of Human Services v. D.S.  
Docket No. HSL-13154-2015S

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET  
TRENTON, NJ 08625-0112

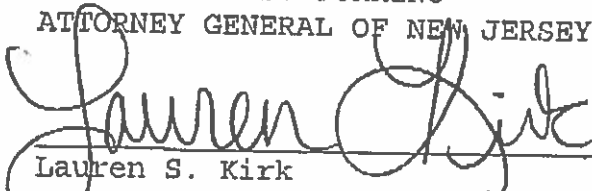
Dear Judge Hughes:

Enclosed for Your Honor's review please find the executed settlement agreement and stipulation of dismissal with prejudice in the matter referenced above.

If there are any questions, please contact me.

Respectfully submitted,

CHRISTOPHER S. PORRINO  
ATTORNEY GENERAL OF NEW JERSEY

By:   
Lauren S. Kirk  
Deputy Attorney General

LSK:ms

Enclosures

cc: Bonny E. Fraser, Assistant Commissioner for Legal Affairs  
(w/enc.)



CHRISTOPHER S. PORRINO  
 ATTORNEY GENERAL OF NEW JERSEY  
 R.J. Hughes Justice Complex  
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 25 Market Street  
 Trenton, New Jersey 08625  
 Attorney for Petitioner  
 Department of Human Services

STATE OF NEW JERSEY  
 DEPARTMENT OF HUMAN SERVICES  
 DIVISION OF ADMINISTRATIVE LAW  
 100 N. 2ND ST. 10TH FL.  
 TRENTON, NJ 08646  
 TEL: 609-981-1111  
 FAX: 609-981-1112

By: Lauren S. Kirk  
 Deputy Attorney General  
 (609) 292-8572

DEPARTMENT OF HUMAN SERVICES,	)	NEW JERSEY OFFICE OF ADMINISTRATIVE LAW
Petitioner,	)	DOCKET NO. HSL-13154-2015S
v.	)	SETTLEMENT AGREEMENT
D.S.,	)	
Respondent.	)	
	)	

This Settlement Agreement is entered into between Petitioner, Department of Human Services (hereinafter, "Petitioner" or "DHS"), represented by Christopher S. Porrino, Attorney General of New Jersey, by Lauren S. Kirk, Deputy Attorney General, and Respondent, D.S., represented by Rolando Torres, Jr., Esq., (hereinafter, "Respondent" or "D.S.") Collectively, Petitioner and Respondent are "the Parties".

WHEREAS, in June 2014, it was discovered through witness interviews in an unrelated matter that while employed as Senior Therapy Program Assistant at the New Lisbon Developmental Center

(NLDC), D.S. allegedly engaged in nonconsensual sexual intercourse with six male service recipients of NLDC; and

WHEREAS, with regulatory authority and in accordance with DHS policy, DHS opened an investigation in response to the discovery; and

WHEREAS, DHS conducted an investigation and found sufficient evidence to bring disciplinary charges against D.S. for alleged inappropriate sexual conduct between D.S. and the six male service recipients; and

WHEREAS, D.S. was served with a Preliminary Notice of Disciplinary Action and was initially suspended on February 22, 2013, and thereafter on July 10, 2014. D.S. has been suspended without pay since July 11, 2014. D.S. filed an appeal with the appointing authority on August 13, 2015. A final disciplinary hearing has not yet been heard; and

WHEREAS, D.S. was placed on the Central Registry of Offenders Against Individuals with Developmental Disabilities (the "Central Registry") on August 20, 2015 with an effective date of June 24, 2015; and

WHEREAS, on or about August 28, 2015, Petitioner requested an administrative hearing before the Office of Administrative Law; and



WHEREAS, after negotiation the Parties have reached a settlement in the above-captioned matter regarding Respondent's placement on the Central Registry.

NOW, THEREFORE, the Parties agree to settle the matter on the following terms:

1. DHS will classify the reason for D.S.'s separation from the State as a general resignation pursuant to N.J.A.C. 4A:2-6.3.

2. DHS will take no position between D.S. and the Division of Pensions and Benefits concerning D.S.'s pension.

3. D.S. agrees not to ever seek employment with DHS.

4. D.S. agrees not to ever seek employment with the New Jersey Department of Children & Families.

5. D.S. consents to his placement on the Central Registry and agrees not to ever petition the court for removal from the Central Registry.

6. Upon execution of this Settlement Agreement, D.S. agrees that his request for an administrative hearing to contest his placement on the Central Registry is hereby withdrawn with prejudice.

7. Pursuant to N.J.A.C. 1.1-19.1, the Parties hereby stipulate to the dismissal of this appeal in the Office of Administrative Law with prejudice, which the Parties will enter into in a separate document. This Settlement Agreement is

expressly predicated upon the filing and acceptance of the stipulation. This Settlement Agreement is null and void if the matter under OAL docket number HSL-13154-2015S is not dismissed with prejudice.

8. This Settlement Agreement constitutes the entire agreement and understanding between and among the Parties hereto with respect to its subject matter, and supersedes any prior or contemporaneous representations, whether oral or written.

9. The Parties agree that this Settlement Agreement is intended to be a final resolution of all issues arising out of this matter between the Parties.

10. The Parties hereby waive any claim for payment of counsel fees or costs incurred in connection with this Settlement.

11. By their signature, each party signing this Settlement Agreement represents and warrants that they are authorized to execute this Agreement.

12. This Settlement Agreement is entered into in lieu of a final determination of such claims and allegations of fact as are contained in the aforementioned contested matter. The entering into, terms of, and promises exchanged in this Settlement Agreement are not intended to be and shall not be construed as, an admission or concession of any fact, claim or

liability of any party. The terms of this Settlement Agreement are intended to avoid further litigation in this proceeding.

13. This Settlement shall not constitute a precedent in this or any other matter, present or future.

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intentionally left blank.

This Settlement Agreement may be signed in counter parts and shall be deemed fully executed and effective when all parties have executed at least one of the counterparts, even though no single counterpart bears all such signatures. Facsimile and/or electronic signatures are acceptable and shall be treated as if they were originals.

11/22/17  
Date



Petitioner

11/22/17  
Date

Rolando Torres, Jr., Esq.,  
Attorney for Petitioner  
AGREED TO AS TO FORM

11/3/17  
Date

Bonny H. Fraser, Esq.,  
Assistant Commissioner for  
Legal Affairs,  
New Jersey Department of Human  
Services

11/29/17  
Date

Lauren S. Kirk  
Deputy Attorney General  
Attorney for Respondent  
AGREED TO AS TO FORM

