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STATE OF NEW JERSEY
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DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
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Re: Vera Ward and Bruce Camp v. Mercer County Superintendent of Elections
OAL Docket Nos. CRT 11681-14 & CRT 11685-14
DCR Docket Nos. EL11RK-63708 & EL11RK-63692

Dear Counsel:

On December 13, 2016, temporarily assigned Administrative Law Judge Jeff S. Masin issued an initial decision dismissing the above-referenced consolidated cases filed by Vera Ward and Bruce Camp (“Complainants”). As provided by N.J.A.C. 1:1-18.6, the matter is now before the Director of the Division on Civil Rights (“DCR”), who may issue a final decision adopting, rejecting, or modifying the initial decision. By order dated January 30, 2017, the time for the Director to issue that final decision was extended until March 13, 2017.

On the day the initial decision was issued, the Office of Administrative Law (“OAL”) emailed a copy of the ALJ’s decision to the parties. The ALJ’s decision and a December 13, 2016 letter from DCR reminded the parties that any exceptions to the initial decision must be filed with DCR within thirteen days of the OAL mailing date. That deadline has passed and DCR has received no exceptions.

The complaints allege that the Mercer County Superintendent of Elections (“Respondent”) discriminated based on race by hiring Complainants, who are African-American, at the entry-level salary, and hiring two Hispanic employees—Xavier Silva and Natalie Mercado—in the same job title at higher salaries. After reviewing the supporting evidence submitted by Complainants, the ALJ found it undisputed that Respondent hired Mercado, like Ward and Camp, at the entry-level salary. ID8. Complainants filed no exceptions to the ALJ’s



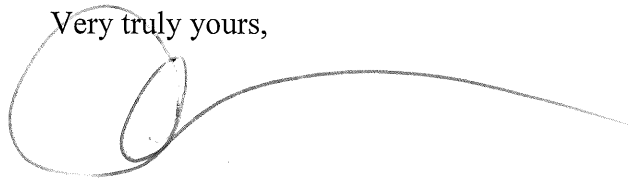
decision, and after review of the OAL file, the Director finds no basis to reject the ALJ's factual finding regarding Mercado's starting salary. N.J.A.C. 1:1-8.6.

The ALJ's initial decision granted Respondent's motion for summary decision, concluding in part that "there is no element of the factual scenario that appears compatible with discriminatory intent." ID11. After reviewing the ALJ's initial decision, the parties' submissions and the OAL file, the Director concurs with the ALJ's conclusion that this matter is ripe for summary decision, that the record as a whole supports the conclusion that there is insufficient evidence to raise an inference of race discrimination and that the complaints should be dismissed. Based on the above, the Director adopts the ALJ's conclusion that the verified complaints should be dismissed with prejudice.

This is a final agency decision. The New Jersey Law Against Discrimination provides that any person who is dissatisfied with a final agency order may appeal to the Appellate Division of the New Jersey Superior Court. N.J.S.A. 10:5-21. The New Jersey Court Rules provide that any such appeal must be filed within 45 days from the date of service of the decision or notice of the action taken. R. 2:4-1(b).

New Jersey's Record Retention and Disposition Schedule permits this agency to destroy this file 20 years after the date of closing, or 20 years after any final court action, whichever is later.

Very truly yours,



Craig Sashihara, Director
NJ DIVISION ON CIVIL RIGHTS

c. Hon. Jeff S. Masin, ALJ t/a

