STATE OF NEW JERSEY

In the Matter of Andrew Monk, Trenton, Department of Public Works	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
CSC Docket No. 2022-3178 OAL Docket No. CSV 05108-22	

ISSUED: SEPTEMBER 30, 2023

The appeal of Andrew Monk, Laborer 1, Trenton, Department of Public Works, removal, effective May 22, 2022, on charges was heard by Administrative Law Judge Dean J. Buono (ALJ), who rendered his initial decision on August 11, 2023. Exceptions were filed on behalf of the appellant and a reply was filed on behalf of the appointing authority.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions, the Civil Service Commission (Commission), at its meeting on September 20, 2023, adopted the ALJ's Findings of Facts and Conclusions and his recommendation to uphold the removal.

As indicated above, the Commission has thoroughly reviewed the exceptions filed in this matter and finds most do not require extensive comment. Nevertheless, the Commission makes the following comments. In his exceptions, the appellant argues that the charge of insubordination should not be upheld. The Commission disagrees. As found by the ALJ, the appellant admitted in the video that was posted on a social media that he refused to perform certain duties assigned to him. Further, the appellant argues that the ALJ improperly referred to a "resignation not in good standing." While the ALJ did indicate a resignation not in good standing at the end of his discussion regarding the penalty, he properly referred to removal as the penalty in the order. As such, it is clear to the Commission that the reference to the resignation not in good standing was merely an editing error and in no way detracts from any of the ALJ's ultimate findings or conclusion of his recommendation to uphold the removal.

Finally, the appellant argues that the ALJ did not factor into his recommendation to uphold the removal that the policy the appellant violated was not distributed to employees. The Commission is unpersuaded. Even assuming, *arguendo*, the accuracy of the argument, the Commission's review of the penalty is *de novo*. In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant's offense, the concept of progressive discipline, and the employee's prior record. *George v. North Princeton Developmental Center*, 96 *N.J.A.R. 2d* (CSV) 463. However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. *See Henry v. Rahway State Prison*, 81 *N.J.* 571 (1980). It is settled that the theory of progressive discipline is not a "fixed and immutable rule to be followed without question." Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. *See Carter v. Bordentown,* 191 *N.J.* 474 (2007).

In his initial decision, the ALJ found the appellant's infractions egregious, and upheld her removal without regard to progressive discipline. He stated:

> Appellant suggests that imposing a penalty less than removal is appropriate. He asserts that there is no harm to respondent by imposing a suspension. Respondent argues that appellant's behavior alone warrants resignation not in good standing. I agree.
>
> The record reflects that appellant's disciplinary record was not unremarkable prior to the incident that is the subject of this matter of this appeal. In fact, the prior discipline includes two prior charges of conduct unbecoming. The last of which was in December 2015 where in the recommendation in the 31a was removal. However, ultimately the case was settled for a four-month suspension. Despite appellant's significant disciplinary history, the behavior described herein certainly constitutes misconduct that is severe; that is unbecoming to the employee's position; and that renders the employee unsuitable for continuation in the position.

The Commission agrees that the misconduct in this matter is sufficiently egregious to support the penalty of removal. Moreover, it cannot be ignored that the appellant also had a history of prior discipline. Suffice it to say, the appellant's actions in this matter fall well short of what is expected of a public employee and the penalty imposed is neither disproportionate to the offenses nor shocking to the conscious.

ORDER

The Civil Service Commission finds that the action of the appointing authority

in removing the appellant was justified. The Commission therefore upholds that action and dismisses the appeals of Andrew Monk.

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 20TH DAY OF SEPTEMBER, 2023

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
OAL DKT. NO. CSV 05108-22
AGENCY DKT. NO. N/A
2022-3178

IN THE MATTER OF ANDREW MONK, CITY OF TRENTON, DEPARTMENT OF PUBLIC WORKS.

Seth M. Gollin, Esq., for appellant, Andrew Monk, (AFSCME New Jersey Council 63)

Charles R.G. Simmons, Esq., for respondent, City of Trenton, Department of Public Works (Simmons Law, LLC, attorneys)

Record Closed: June 28, 2023 Decided: August 11, 2023

BEFORE **DEAN J. BUONO,** ALJ:

STATEMENT OF THE CASE

Appellant, Andrew Monk, (Monk or appellant), an employee of respondent, City of Trenton, Department of Public Works (Department or respondent), appeals from the determination of respondent that he be terminated for incidents that occurred when he refused to perform light duty work and videotaped the inside of the Department and posted it online disparaging the conditions. Respondent argues that he violated: N.J.A.C. 4A:2-2.3(a)(2) Insubordination, N.J.A.C. 4A:2-2.3(a)(6) Conduct Unbecoming,

and N.J.A.C. 4A:2-2.3(a)(12) Other Sufficient Cause. The appellant denies the allegations.

PROCEDURAL HISTORY

The Department issued a Preliminary Notice of Disciplinary Action removing him from his post. On May 20, 2022, the Department issued a Final Notice of Disciplinary Action sustaining the charges and resigning him from his post. Appellant filed a timely notice of appeal.

This matter was appealed to the Office of Administrative Law on June 22, 2022. N.J.S.A. 40A:14-202(d). The hearing was held via Zoom teleconferencing system on April 26, 2023. The record remained open until June 28, 2023, for the parties to submit closing summations and the record closed on that date.

FACTUAL DISCUSSION

Testimony

For respondent

Wale Onitiri has been the Director of Public Works for the City of Trenton since 2018. He recalled that Monk worked in the Sanitation Department and had some type of workplace injury that involved his back. He was placed on light duty but in the Sanitation Department there was no permanent light duty position in the division. Therefore, they came up with a light duty job specifically for him which included cleaning the yard and bathrooms. However, Monk refused to perform those duties. Therefore, Onitiri wrote a memorandum regarding the issue. (R-3.)

Onitiri also testified about the online video of the Sanitation Department's bathroom and bay area that was posted by Monk through social media. Onitiri found out about the video through the Director of Law. He testified that Monk narrates the video by saying "I work for the City of Trenton" and spoke about his "light duty" work in

the bathroom. Monk claims that it is "inhumane" that they be instructed to sit on the garbage trucks with the "rats and roaches." Monk claimed that "this is where they want us to stay for eight hours" and "we are being punished for getting hurt doing our jobs," "this is the accommodations for light-duty in the City of Trenton." Monk goes on in the video saying that he rejects the light-duty offered to him and he refused to do it wanting to send the video to "the media" specifically "Channel 6."

Onitiri testified that Monk did not perform his job functions while on light duty and he was always caught sitting or sleeping in his car. Also, the City of Trenton has a media policy that is explicit in not posting any positive or negative comments about the City of Trenton.

On cross-examination, Onitiri admitted that he only heard from employee DeJesus that Monk refused to do the work. However, Monk actually admitted it in his video.

For appellant

Andrew Monk began working for the City of Trenton in 1999. He went out on light duty in 2021 for a back injury. At first, the light-duty began in the office and then they took him out of the office and put him in the bay area. It was so hot Monk had to sit in his car with the air conditioning running. Monk claims that employee DeJesus told him to either sit in the bay area, car or bathroom. Monk claimed that in the summer it was so hot that the bay area and bathroom smelled so bad that he sat in his car.

Monk admitted that he did technically refuse to do certain tasks because of his limitations. He couldn't shovel dirt. He did see rats, roaches and birds in the bay area. Regarding the video, Monk admitted to making the video and then showing it to his wife. He claimed that his wife got so upset she posted it on his social media account.

Ramona Thomas is employed by the City of Trenton as an assistant administrative analyst. She is also the president of AFSCME. For the past five years she has been with the City of Trenton Water Department which is separate from

Sanitation Department. Her understanding of the social media policy in the City of Trenton was that it was certainly in effect in 2018 but it was not distributed to any of the employees.

FINDINGS OF FACT

For testimony to be believed, it must not only come from the mouth of a credible witness, but it also has to be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality, internal consistency and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Also, "'[t]he interest, motive, bias, or prejudice of a witness may affect his credibility and justify the [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony.'" State v. Salimone, 19 N.J. Super. 600, 608 (App. Div.), certif. denied, 10 N.J. 316 (1952). (citation omitted.)

A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

The testimony of the respondent's witnesses was especially credible and persuasive. Their testimony was clear and concise. It was obvious that they all had concerns about these incidents and the safety and sanctity of the individuals working in the Department when Monk posted the video of the Sanitation Department's bathroom and bay areas on social media.

After hearing the testimony and reviewing the evidence, **I FIND**, by a preponderance of credible evidence, that Monk was employed by the City of Trenton, Department of Public Works. **I FURTHER FIND**, that Monk posted a video of the Sanitation Department's bathroom and bay areas on social media. **I FURTHER FIND**,

that in the video, Monk spoke negatively about the conditions when he worked in the Department of Sanitation. **I FURTHER FIND**, that a reasonable person would believe that the working conditions in the Department of Sanitations is deplorable.

CONCLUSIONS OF LAW

Civil service employees' rights and duties are governed by the Civil Service Act and regulations promulgated pursuant thereto. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:1-1.1. The Act is an important inducement to attract qualified people to public service and is to be liberally applied toward merit appointment and tenure protection. Mastrobattista v. Essex Cnty. Park Comm'n, 46 N.J. 138, 147 (1965). However, consistent with public policy and civil-service law, a public entity should not be burdened with an employee who fails to perform his or her duties satisfactorily or who engages in misconduct related to his or her duties. N.J.S.A. 11A:1-2(a). A civil-service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline, including removal. N.J.S.A. 11A:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2. The general causes for such discipline are set forth in N.J.A.C. 4A:2- 2.3(a).

This matter involves a major disciplinary action brought by the respondent appointing authority against the appellant. An appeal to the Merit System Board requires the OAL to conduct a hearing de novo to determine the appellant's guilt or innocence as well as the appropriate penalty, if the charges are sustained. In re Morrison, 216 N.J. Super. 143 (App. Div. 1987). Respondent has the burden of proof and must establish by a fair preponderance of the credible evidence that appellant was guilty of the charges. Atkinson v. Parsekian, 37 N.J. 143 (1962). Evidence is found to preponderate if it establishes the reasonable probability of the fact alleged and generates a reliable belief that the tendered hypothesis, in all human likelihood, is true. See Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div. 1959), overruled on other grounds, Dwyer v. Ford Motor Co., 36 N.J. 487 (1962).

The respondent sustained charges of violations of: N.J.A.C. 4A:2-2.3(a)(2) Insubordination, N.J.A.C. 4A:2-2.3(a)(6) Conduct Unbecoming and N.J.A.C. 4A:2-

2.3(a)(12) Other Sufficient Cause.

Insubordination

Black's Law Dictionary 802 (11th Ed. 2019) defines insubordination as a "willful disregard of an employer's instructions" or an "act of disobedience to proper authority." Webster's II New College Dictionary (1995) defines insubordination as "not submissive to authority: disobedient." Such dictionary definitions have been used by courts to define the term where it is not specifically defined in contract or regulation.

> "Insubordination" is not defined in the agreement. Consequently, assuming for purposes of argument that its presence is implicit, we are obliged to accept its ordinary definition since it is not a technical term or word of art and there are no circumstances indicating that a different meaning was intended.
>
> [Ricci v. Corporate Express of the East, Inc., 344 N.J. Super. 39, 45 (App. Div. 2001) (citation omitted).]

The above definition incorporate acts of non-compliance and non-cooperation, as well as affirmative acts of disobedience. Thus, insubordination can occur even where no specific order or direction has been given to the allegedly insubordinate person. Insubordination is always a serious matter. "Refusal to obey orders and disrespect cannot be tolerated. Such conduct adversely affects the morale and efficiency of the department." Rivell v. Civil Serv. Comm'n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 59 N.J. 269 (1971).

The appellant's own words on the video confirmed that he refused the light duty and was going to "Channel 6" to complain. **I CONCLUDE** that with the help of the petitioner, respondent has proven by a preponderance of the credible evidence that appellant violated N.J.A.C. 4A:2-2.3(a)(2), insubordination.

Conduct Unbecoming a Public Employee

Respondent sustained charges against appellant for Conduct Unbecoming a Public Employee, N.J.A.C. 4A:2-2.3(a)(6). "Conduct unbecoming a public employee" is an elastic phrase, which encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atlantic City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances "be such as to offend publicly accepted standards of decency." Karins, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). 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 Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955)). Suspension or removal may be justified where the misconduct occurred while the employee was off duty. Emmons, 63 N.J. Super. at 140.

There is no precise definition for conduct unbecoming a public employee, and the question of whether conduct is unbecoming is made on a case-by-case basis. King v. County of Mercer, CSV 2768-02, Initial Decision (February 24, 2003), adopted, Merit Sys. Bd. (April 9, 2003), http://njlaw.rutgers.edu/collections/oal/. In Jones v. Essex County, CSV 3552-98, Initial Decision (May 16, 2001), adopted, Merit Sys. Bd. (June 26, 2001), http://njlaw.rutgers.edu/collections/oal/, it was observed that conduct unbecoming a public employee is conduct that adversely affects morale or efficiency or has a tendency to destroy public respect for governmental employees and confidence in the operation of public services. In Karins v. City of Atlantic City, 152 N.J. 532 (1998), an off-duty firefighter directed a racial epithet at an on-duty police officer during a traffic stop. The Court noted that the phrase "unbecoming conduct" is an elastic one that includes any conduct that adversely affects morale or efficiency by destroying public respect for municipal employees and confidence in the operation of municipal services." Id. at 554. In Hartmann v. Police Department of Ridgewood, 258 N.J. Super. 32, 40

(App. Div. 1992), the court stated that a finding of misconduct need not "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."

It is difficult to contemplate a more basic example of conduct which could destroy public respect in the delivery of governmental services than the image of a Sanitation Department employee videotaping the internal working conditions of the Sanitation Department and disparaging the working conditions relating to his "light duty." It is clear that Monk's conduct can adversely affect morale or efficiency and can destroy the public's respect for governmental employees and confidence in the operation of public services. **I CONCLUDE** that appellant's actions constitute unbecoming conduct. The charges of violating N.J.A.C. 4A:2-2.3(a)(6) is hereby **SUSTAINED**.

Other Sufficient Cause

Appellant has also been 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 standard of good behavior that devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct. Asbury Park v. Dep't of Civil Serv., 17 N.J. 419 (1955). Appellant conducted himself in a manner that violated standards of good behavior and the higher level of conduct that is expected of him as an employee of the City of Trenton, Department of Public Works. His actions were a clear violation of good standards. This is because the service that a governmental agency provides are an integral part to the form and function of a successful society. The function of a governmental entity is to provide for its citizens. As set forth in the findings of facts and as discussed above, appellant's conduct in this case violates the implicit standard of good behavior one would expect from an employee of the Department. Therefore, **I CONCLUDE** that the respondent has met its burden of proof in establishing a violation of Other Sufficient Cause by a preponderance of the credible evidence.

Accordingly, **I CONCLUDE** that the appointing authority has met its burden in demonstrating a violation of N.J.A.C. 4A:2-2.3(a)(12) (Other Sufficient Cause) and the charge is hereby **SUSTAINED**.

PENALTY

In West New York v. Bock, 38 N.J. 500, 522 (1962), which was decided more than fifty years ago, our Supreme Court first recognized the concept of progressive discipline, under which "past misconduct can be a factor in the determination of the appropriate penalty for present misconduct." In re Herrmann, 192 N.J. 19, 29 (2007) (citing West New York v. Bock, 38 N.J. 500, 522 (1962)). The Court therein concluded that "consideration of past record is inherently relevant" in a disciplinary proceeding and held that an employee's "past record" includes "an employee's reasonably recent history of promotions, commendations and the like on the one hand and, on the other, formally adjudicated disciplinary actions as well as instances of misconduct informally adjudicated, so to speak, by having been previously brought to the attention of and admitted by the employee." West New York v. Bock, 38 N.J. 500, 523-524 (1962).

As the Supreme Court explained in In re Herrmann, 192 N.J. 19, 30 (2007), "[s]nice Bock, the concept of progressive discipline has been utilized in two ways when determining the appropriate penalty for present misconduct." According to the Court:

> . . . First, principles of progressive discipline can support the imposition of a more severe penalty for a public employee who engages in habitual misconduct . . .
>
> The second use to which the principle of progressive discipline has been put is to mitigate the penalty for a current offense . . . for an employee who has a substantial record of employment that is largely or totally unblemished by significant disciplinary infractions . . .
>
> . . . [T]hat is not to say that incremental discipline is a principle that must be applied in every disciplinary setting. To the contrary, judicial decisions have recognized that progressive discipline is not a necessary consideration when . . . the misconduct is severe, when it is unbecoming to the employee's position or renders the employee unsuitable for

> continuation in the position, or when application of the principle would be contrary to the public interest.
>
> [In re Hermann, 192 N.J. at 30-33 (citations omitted).]

In the case of In re Carter, 191 N.J. 474 (2007), the Court decided that the principle of progressive discipline did not apply to the sanction of a police officer for sleeping on-duty and, notwithstanding his unblemished record, it reversed the lower court and reinstated a removal imposed by the Board. The Court noted the factor of public-safety concerns in matters involving the discipline of correction officers and police officers, who must uphold the law and "present an image of personal integrity and dependability in order to have the respect of the public." In re Carter, 191 N.J. 474 (2007).

In the matter of In re Stallworth, 208 N.J. 182 (2011), a Camden County pump-station operator was charged with falsifying records and abusing work hours, and the ALJ imposed removal. The Civil Service Commission (Commission) modified the penalty to a four-month suspension and the appellate court reversed. The Court re-examined the principle of progressive discipline. Acknowledging that progressive discipline has been bypassed where the conduct is sufficiently egregious, the Court noted that "there must be fairness and generally proportionate discipline imposed for similar offenses." In re Stallworth, 208 N.J. 182, 208 (2011). Finding that the totality of an employee's work history, with emphasis on the "reasonably recent past," should be considered to assure proper progressive discipline, the court modified and affirmed (as modified) the lower court and remanded the matter to the Commission for reconsideration.

Maintenance of strict discipline is important in military-like settings such as police departments, prisons and correctional facilities. Rivell v. Civil Serv. Comm'n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 50 N.J. 269 (1971); City of Newark v. Massey, 93 N.J. Super. 317 (App. Div. 1967). Refusal to obey orders and disrespect of authority cannot be tolerated. Cosme v. Borough of E. Newark Twp. Comm., 304 N.J. Super. 191, 199 (App. Div. 1997).

Furthermore, it has been held that termination without progressive discipline is appropriate in circumstances where an employee cannot competently perform the work required of his position. Klusaritz v. Cape May Cty., 387 N.J. Super. 305, 317 (App. Div. 2006), certif. denied, 191 N.J. 318 (2007). In Klusaritz, the panel upheld the removal of a principal accountant on charges of inability to perform duties, among other things, based on proof that the employee had consistently failed to perform the duties of his position in a timely and proper manner, and had also failed or refused to accept direction with respect to performance of these duties.

In the present matter, respondent has brought and sustained charges of violations of N.J.A.C. 4A:2-2.3(a)(2) Insubordination, N.J.A.C. 4A:2-2.3(a)(6) Conduct Unbecoming, and N.J.A.C. 4A:2-2.3(a)(12) Other Sufficient Cause. Appellant suggests that imposing a penalty less than removal is appropriate. He asserts that there is no harm to respondent by imposing a suspension. Respondent argues that appellant's behavior alone warrants resignation not in good standing. I agree.

The record reflects that appellant's disciplinary record was not unremarkable prior to the incident that is the subject of this matter of this appeal. In fact, the prior discipline includes two prior charges of conduct unbecoming. The last of which was in December 2015 where in the recommendation in the 31a was removal. However, ultimately the case was settled for a four-month suspension. Despite appellant's significant disciplinary history, the behavior described herein certainly constitutes misconduct that is severe; that is unbecoming to the employee's position; and that renders the employee unsuitable for continuation in the position.

Considering the foregoing, the testimony, evidence and arguments in this matter, I am compelled to **CONCLUDE** that the respondent has proven, by a preponderance of credible evidence, that appellant engaged in conduct so egregious that application of progressive discipline is not appropriate. **I FURTHER CONCLUDE** that respondent presented the basis for appellant's resignation not in good standing from employment, and that such a resignation not in good standing should be **AFFIRMED**.

DECISION AND ORDER

I ORDER that the charges of N.J.A.C. 4A:2-2.3(a)(2) Insubordination, N.J.A.C. 4A:2-2.3(a)(6) Conduct Unbecoming, and N.J.A.C. 4A:2-2.3(a)(12) Other Sufficient Cause, be **SUSTAINED**. **I FURTHER ORDER** respondent's action removing appellant is hereby **AFFIRMED**.

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.

August 11, 2023
DATE

DEAN J. BUONO, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

DJB/cb

APPENDIX

WITNESSES

For appellant

Andrew Monk

Ramona Thomas

For respondent

Wale Onitiri

EXHIBITS

For appellant

None

For respondent

R-1 Final Notice of Disciplinary Action, dated May 20, 2022

R-2 Director Onitiri Memorandum to Monk, dated January 13, 2022

R-3 City of Trenton's Social Media Policy

R-4 Not Admitted

R-5 Not Admitted

R-6 Not Admitted

R-7 Not Admitted

R-8 Not Admitted

R-9 Not Admitted

R-10 Not Admitted

R-11 Not Admitted

R-12 Not Admitted

R-13 Monk Video Posted on Social Media