



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE  
ACTION OF THE  
CIVIL SERVICE COMMISSION

In the Matter of David Stattel,  
Marlboro Township

CSC Docket No. 2023-2165  
OAL Docket No. CSR 03582-23

ISSUED: APRIL 12, 2024

The appeal of David Stattel, Police Officer, Marlboro Township, Police Department, removal, effective August 22, 2022, on charges, was heard by Administrative Law Judge Sarah G. Crowley, who rendered her initial decision on March 4, 2024. Exceptions were filed on behalf of the appellant and a reply to exceptions was filed on behalf of the appointing authority.

Having considered the record and the attached ALJ's initial decision, including a thorough review of the exceptions and reply, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of April 10, 2024, accepted and adopted the Findings of Fact and Conclusions as contained in the ALJ's initial decision and the recommendation to uphold the removal.

As indicated above, the Commission thoroughly reviewed the exceptions filed in this matter. The Commission makes the following comments. In his exceptions, the appellant argues that his requests for discovery of every other employee's disciplinary file with the appointing authority along with identifying every disciplinary action sought or imposed by the appointing authority for the prior 10 years was improperly denied by the ALJ. The Commission is not persuaded by the appellant's arguments in this regard. Rather, the Commission agrees with the ALJ's determination in an Order on Motion to Compel Discovery, issued on August 1, 2023, denying the appellant's request. The ALJ stated the following:

There has been no showing that this overly broad discovery request would lead to the discovery of any relevant documents. Accordingly, I

**CONCLUDE** that the appellant's discovery requests at issue in this motion are overbroad and unduly burdensome and has not been shown as likely to lead to the discovery of admissible evidence. Furthermore, I **CONCLUDE** the requested information contains confidential information and has limited probative value to the within matter.

The appellant also argues that his texts were protected as free speech under the First Amendment to the United States Constitution. The Commission rejects this argument. The First Amendment limits the government's ability to pass laws that lead to incarceration based on freedom of speech. It does not give employees the right to say whatever they want. *See In the Matter of A.J-S.* (CSC, decided June 12, 2019). *See also, In the Matter of Earnest Farley*, Docket No. A-0656-21 (App. Div. June 30, 2023) (Appellate Division affirmed the removal of a Correctional Police Lieutenant for making a harassing Facebook post. Additionally, the appellant's argument that his speech was protected under the First Amendment to the United States Constitution was rejected).

Further, the appellant contends that his actions did not warrant a penalty of removal. Similar to its review of the underlying charges, the Commission's review of the penalty is *de novo*. In addition to considering the seriousness of the underlying incident in determining the proper penalty, the Commission utilizes, when appropriate, the concept of progressive discipline. *West New York v. Bock*, 38 N.J. 500 (1962). Further, 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 principle 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 this regard, the Commission notes that even when a law enforcement officer does not possess a prior disciplinary record after many unblemished years of employment, the seriousness of an offense may nevertheless warrant the penalty of removal where it is likely to undermine the public trust. As set forth by the ALJ, the Commission emphasizes that a law enforcement officer is held to a higher standard than a civilian public employee. A Police Officer holds a highly visible and sensitive position within the community, whose primary duty is to enforce and uphold the law. The position represents law and order to the citizenry. A Police Officer also carries a service revolver and is constantly called upon to exercise tact, restraint and good judgment in relationship with the public. Thus, a Police Officer must present an image of personal integrity and dependability in order to have the respect of the public. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also, In re Phillips*, 117 N.J. 567 (1990).

In the instant matter, the derogatory text messages sent by the appellant plainly disparaged minorities. Such actions should not be tolerated by a law enforcement officer who deals with minorities on a regular basis. The appellant relies on *Karins v. City of Atlantic City*, 152 N.J. 532 (1998) and *In the Matter of Betsy Ruggiero*, Docket No. A-1498-20 (App. Div. June 8, 2022) in arguing that removal is too severe a penalty for using discriminatory language. However, the appellants in those cases were not Police Officers. As the ALJ explained, Police Officers are different from other employees in that they deal with minorities on a regular basis as well as needing to present as unbiased witnesses in the prosecution of minority defendants. The appellant's actions clearly undermine the public trust and make it more difficult for other law enforcement officers to perform their duties. Accordingly, it is clear that removal is the appropriate penalty.

### ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Commission therefore affirms that action and dismisses the appeal of David Stattel.

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 10<sup>TH</sup> DAY OF APRIL 2024

*Allison Chris Myers*

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Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Dulce A. Sulit-Villamor  
Deputy 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. CSR 03582-23

AGENCY DKT. NO. N/A

2023-2165

**IN THE MATTER OF DAVID STATTEL,  
MARLBORO TOWNSHIP POLICE  
DEPARTMENT.**

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**Lori A. Dvorak, Esq.**, for appellant David Stattel (Dvorak & Associates, LLC,  
attorneys)

**Louis N. Rainone, Esq.**, for respondent Marlboro Township Police Department  
(Rainone Coughlin & Minchello, LLP, attorneys)

Record Closed: February 2, 2024

Decided: March 4, 2024

BEFORE **SARAH G. CROWLEY, ALJ**:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

Appellant David Stattel (appellant) appeals his removal by respondent, Marlboro Township Police Department, due to his use of racist and discriminatory language in text messages to other officers. The appellant was removed from his position on August 22, 2022, based on a determination that he violated N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(9), discrimination that affects equal employment opportunity; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, specifically,

violation of Township policy and Division of Police rules and regulations. After a departmental hearing, the appointing authority issued a Final Notice of Disciplinary Action upholding appellant's removal on March 22, 2023. Appellant appealed the termination to the Office of Administrative Law (OAL), where the appeal was filed on April 18, 2023 (N.J.S.A. 40A:14-202(d)). The appellant waived his right to a hearing within 180 days. The hearing was conducted on November 9, 2023, and the record closed after closing submissions were filed on February 2, 2024.

### **FACTUAL DISCUSSION**

Appellant was employed by the Marlboro Township Police Department as a police officer. A criminal investigation into another officer was conducted by the Monmouth County Prosecutor's Office (MCPO), which uncovered multiple text messages sent by or received by the appellant using racially offensive language. Due to the nature of the text messages, the MCPO turned these records over to the Marlboro Township Police Department, who conducted its own Internal Affairs investigation. The appellant does not dispute whether the text messages were to or from him. Appellant argues that the messages are protected by the first amendment and that he has a reasonable expectation of privacy with respect to the messages. Appellant also argues that the discipline of removal is not appropriate under applicable standards of progressive discipline.

### **TESTIMONY**

#### **For respondent:**

**Lt. Jonathan Gramcko** has been employed by the Marlboro Township Police Department since July 2010, and assigned to the Internal Affairs Unit since December 2019. He received a call from the MCPO in June of last year about the text messages that were discovered in connection with the investigation of another officer. Copies of the text messages that were turned over to Internal Affairs were entered into evidence as R-1. He reviewed the text messages and the Department Policies, Rules, and Regulations and prepared a report, which was entered into evidence as R-3. He concluded that the messages violated several Department policies, including the policy against

discrimination, and conduct unbecoming of an officer. He concluded that the discipline of removal was appropriate.

The text messages set forth in his report are as follows:

Conversation 1

From: 1-732-██████████ (Unknown)  
To: 1-732-██████████ (David Stattel)  
To: ██████████@yahoo.com (Michael Ventriglio, Freehold Township PD)

Date/Time – 1/12/22 5:03:08 pm

"I saw Charlie Wilson walking your way I didn't want to get in the way of that friendship"

From: Stattel  
To: Unknown  
To: Ventriglio

Date/Time – 1/12/22 5:10:52 pm

"Yea u see who sits next to me. Fuck these coons"

From: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 1/12/22 5:11:12 pm

"Black don't crack"

Conversation 2

From: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 8/21/21 4:10:59 pm

"What was the address you sent the clucker to? Taylor said it's not there"

From: Stattel  
To: Unknown

To: Ventriglio

Date/Time – 8/21/21 5:31:41 pm

“Lmao hold on”

From: Unknown

To: Stattel

To: Ventriglio

Date/Time – 8/21/21 5:31:48 pm

“Haha”

From: Stattel

To: Unknown

To: Ventriglio

Date/Time – 8/21/21 5:32:15 pm

“We did do it drunk”

\*\*Image attachment which is unable to be opened due to .pdf file\*\*

From: Unknown

To: Stattel

To: Ventriglio

Date/Time – 8/21/21 5:32:27 pm

“Hahaha this is true”

From: Stattel

To: Unknown

To: Ventriglio

Date/Time – 8/21/21 5:39:00 pm

“Was that it”

From: Unknown

To: Stattel

To: Ventriglio

Date/Time – 8/21/21 5:39:02 pm

“Yup”

From: Stattel  
To: Unknown  
To: Ventriglio

Date/Time – 8/21/21 5:43:27 pm

“Wtf”

From: Stattel  
To: Unknown  
To: Ventriglio

Date/Time – 8/21/21 5:43:39 pm

“Her nigger neighbors steal it?”

From: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 8/21/21 6:06:02 pm

“I think so. She normally says does her neighbor every day.  
She hasn’t come out of the house. She must be busy”

From: Stattel  
To: Unknown  
To: Ventriglio

Date/Time – 8/21/21 6:18:10 pm

“So she thinks her neighbor has it?”

From: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 8/21/21 6:18:18 pm

“She’s going to check her mail box”

From: Stattel  
To: Unknown  
To: Ventriglio

Date/Time – 8/21/21 8:14:21 pm

Stattel: “Should be in there”  
From: Unknown



To: Stattel  
To: Ventriglio

Date/Time – 8/21/21 8:14:34 pm

“Got it”

Conversation 3

From: Stattel  
To: Unknown  
To: 1-732 [REDACTED] (Zach Steinfeld, Port Authority PD)  
To: Ventriglio

Date/Time – 12/24/20 10:00:39 pm

“No we aren’t borrowing shit. We aren’t niggers. And that trailer sucks”

Conversation 4

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 11/24/21 7:58:46 pm

“Mikey u hooking a 4-50 out of Tommy’s tonight”

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 11/24/21 7:58:46 pm

“Look at the gook”

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 11/24/21 7:58:46 pm  
“Think her head got shut in the door”

From: Unknown  
To: Stattel  
To: Steinfeld  
To: Ventriglio

Date/Time – 11/24/21 7:59:03 pm

“Nope. Unless it crashes into me or someone else”

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 11/24/21 8:19:12 pm

“Throw Jeff to this group of cougars”

From: Unknown  
To: Stattel  
To: Steinfeld  
To: Ventriglio

Date/Time – 11/24/21 8:19:21 pm

“I want pics”

From: Unknown  
To: Stattel  
To: Steinfeld  
To: Ventriglio

Date/Time – 11/24/21 8:19:26 pm

“Or I’m coming there in uniform”

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 11/24/21 8:30:45 pm

“Zach u think the gooks pussy is slanted”

From: Steinfeld  
To: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 11/24/21 8:30:45 pm

"Heather"

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 11/24/21 8:30:45 pm

"No the gook"

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 11/24/21 8:30:45 pm

"China"

From: Steinfeld  
To: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 11/24/21 8:30:46 pm

"Heather"

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 11/24/21 8:33:17 pm

"Omg"

From: Steinfeld  
To: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 11/24/21 8:58:51 pm

"Heather"

From: Steinfeld  
To: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 11/24/21 8:58:51 pm

“Heather”

From: Steinfeld  
To: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 11/24/21 8:58:51 pm

“Heather”

From: Steinfeld  
To: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 11/24/21 9:44:38 pm

“Liz packed some on”

Conversation 5

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 5/6/21 7:45:34 am

“African American female wearing mask driving alone. Blows stop sign. License registration insurance please ma'am. “Officer why don't you have your mask on.” Needless to say we didn't make friends with the African American community today”

From: Steinfeld  
To: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 5/6/21 7:45:34 am

"Yikes... you'll be on YouTube soon I guess"

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 5/6/21 7:45:34 am

"Yes she was so scared when I pulled her over"

From: Steinfeld  
To: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 5/6/21 7:45:34 am

"Lol"

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 5/6/21 7:45:34 am

"Ma'am there's nothing to be worried about I'm a big teddy bear"

From: Steinfeld  
To: Unknown  
To: Stattel  
To: Ventriglio

Date/Time – 5/6/21 8:07:20 am

"Lol"

Conversation 6

From: Stattel  
To: Unknown  
To: Steinfeld  
To: Ventriglio

Date/Time – 8/21/21 10:51:44 pm

"Next I'll be cleaning the floors or some shit like I'm the fucking hired nigger or something"

Lieutenant Gramcko reviewed the Department policies regarding discrimination and ethics and the requirement that officers be held to a higher standard. He testified that rules and regulations regarding integrity and conduct apply to conduct on and off duty. Officers deal with minorities on a regular basis in their positions. Moreover, they are called to testify in trials against defendants, many of whom are minorities. The bias demonstrated against minorities in these text messages would compromise the prosecution of any such individuals. Moreover, it was a violation of their discrimination rules and regulations and he also considered it to be conduct unbecoming of an officer.

**Peter Pezzullo** is the Chief of police in Marlboro Township, a rank that he has held for the last four years. He works with the Internal Affairs Unit in his role as chief. He received a phone call from then-Sergeant Gramcko, who explained what he had received from the MCPO in connection with their investigation of another officer. This information was sent to the Department, and Chief Pezzullo directed Internal Affairs to investigate the material to ensure the reliability of the information. The chief explained that the reliability of the material was confirmed and due to the very offensive nature of the text messages, he felt that removal was appropriate. Officer Stattel must be able to work with the public and with his peers at the Department, so his obvious bias against minorities rendered the discipline of removal appropriate.

#### **FINDINGS OF FACT**

I have found that the testimony of the witnesses was sincere and credible and consistent with the documents entered into evidence. The appellant provided no testimony and did not dispute that the text messages in question were sent or received by him. I therefore **FIND as FACT** the above testimony and documentary evidence.

## LEGAL DISCUSSION AND CONCLUSIONS

Civil Service employees' rights and duties are governed by the Civil Service Act, N.J.S.A. 11A:1-1 to -12.6. The Act is an important inducement to attract qualified personnel to public service and is to be liberally construed toward attainment of merit appointment and broad tenure protection. See Essex Council No. 1, N.J. Civil Serv. Ass'n v. Gibson, 114 N.J. Super. 576 (Law Div. 1971), rev'd on other grounds, 118 N.J. Super. 583 (App. Div. 1972); Mastrobattista v. Essex Cnty. Park Comm'n, 46 N.J. 138, 147 (1965). The Act also recognizes that the public policy of this State is to provide public officials with appropriate appointment, supervisory and other personnel authority in order that they may execute properly their constitutional and statutory responsibilities. N.J.S.A. 11A:1-2(b).

This matter involves a major disciplinary action brought by the respondent appointing authority against appellant. An appeal to the Civil Service Commission requires the OAL to conduct a de novo hearing to determine the employee'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). The appointing authority has the burden of proof and must establish by a fair preponderance of the credible evidence that the employee was guilty of the charges. Atkinson v. Parsekian, 37 N.J. 143 (1962); In re Polk License Revocation, 90 N.J. 550 (1980). Evidence is found to preponderate if it establishes 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).

In the present matter, appellant was charged with violating N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(9), discrimination that affects equal employment opportunity; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause including violations of Township policy and Division of Police rules and regulations.

Conduct unbecoming a public employee is an elastic phrase that 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 Atl. 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)).

The standard of behavior for police and correction officers is set higher than that of other civil service employees.

It must be recognized that a police officer is a special kind of public employee. His primary duty is to enforce and uphold the law. He carries a service revolver on his person and is constantly called upon to exercise tact, restraint and good judgment in his relationship with the public. He represents law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public . . . .

[Twp. of Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965).]

The appellant has argued that the text messages were taken out of context but offers no factual basis to support this argument. Moreover, there is no context in which the language used by the appellant referring to minorities as “niggers,” “coons,” and “gooks” can be neutralized and cannot be tolerated by a law enforcement officer who deals with minorities on a regular basis. The appellant also argues that he had an expectation of privacy and that these phone records should not be used against him. However, this legal argument, which was the subject matter of a motion, is inapplicable in the context of a civil proceeding. Moreover, no objection or motion to exclude this evidence was made prior to the messages being entered into evidence.



Applying the law to the facts in this case, I **CONCLUDE** that the respondent has demonstrated by a preponderance of the credible evidence that the statements in the form of text messages to and from the appellant violated the rules against discrimination, the rules and regulations of the Department and constitutes conduct unbecoming an officer.

### **PENALTY**

Once a determination is made that an employee has violated a statute, regulation, or rule concerning his employment, the concept of progressive discipline must be considered. With respect to the discipline, under the precedent established by Town of West New York v. Bock, 38 N.J. 500 (1962), courts have stated, “[a]lthough we recognize that a tribunal may not consider an employee’s past record to prove a present charge, West New York v. Bock, [*id.* at 523], that past record may be considered when determining the appropriate penalty for the current offense.” In re Phillips, 117 N.J. 567, 581 (1990). Ultimately, however, “it is the appraisal of the seriousness of the offense which lies at the heart of the matter.” Bowden v. Bayside State Prison, 268 N.J. Super. at 305.

In the instant matter, the appellant argues that the discipline of removal is not appropriate. The appellant relies upon two cases in support of this argument. The case of Karins v. Atlantic City, 152 N.J. 532 (1998), involves the removal of a firefighter from his position due to the use of racially discriminatory language. There are significant differences between a fire fighter and a police officer, the later dealing with minorities on a regular basis as well as needed to present as an unbiased witness in the prosecution of minority defendants. It is also important to note that the Karins decision is 25 years old and the climate of tolerance for such discrimination has changed significantly. The other case relied upon by the appellant, In the Matter of Ruggiero, 2022 WL 2062575 (App. Div. 2022), involved a civil service employee who was overheard on the telephone using the “n word.” The Ruggiero case did not involve a police officer nor were there any references to known individuals, including a minority fellow officer.

It is well settled in the context of civil service employees that if behavior is sufficiently egregious that the concept of progressive discipline need not be followed. The

penalty of removal is not disproportionate to the charges, considering Stattel's position, and the high standard of conduct expected of law enforcement officers. Although the appellant had no prior disciplinary infractions, due to the nature of the charges and the role of a police officer in the community, the undersigned finds that removal is appropriate.

**ORDER**

I **ORDER** that the action of the appointing authority removing Officer Stattel is sustained and the appeal is **DISMISSED**.

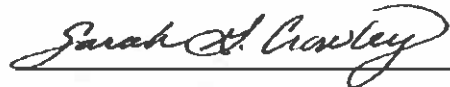
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

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. 40A:14-204.

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.

March 4, 2024 \_\_\_\_\_

DATE



\_\_\_\_\_  
SARAH G. CROWLEY, ALJ

Date Received at Agency: \_\_\_\_\_

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

SGC/SW/ki

**APPENDIX**

**WITNESSES**

**For appellant**

None

**For respondent**

Jonathan Gramcko

Peter Pezzullo

**EXHIBITS**

**For appellant**

None

**For respondent**

- R-1 Text messages
- R-2 Preliminary Notice of Disciplinary Action, dated August 22, 2022
- R-3 IA Investigation Report
- R-4 Transcript of IA Interview, dated July 12, 2022
- R-5 Not admitted
- R-6 Final Notice of Disciplinary Action, dated March 22, 2023
- R-7 Marlboro Township Police Department Policies and Procedures  
No. PAD087
- R-8 Marlboro Township Police Department Rules and Regulations No. 3.1.6
- R-9 Collective Bargaining Agreement