



STATE OF NEW JERSEY

In the Matter of Richie Lopez, Jersey
City Police Department

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2023-631
OAL Docket Nos. CSR 01695-23 and
CSR 08567-22 (on remand)

ISSUED: MAY 10, 2024

The appeal of Richie Lopez, Police Officer, Jersey City Police Department, removal, effective August 23, 2022, on charges, was heard by Administrative Law Judge Susana E. Guerrero (ALJ), who rendered her initial decision on April 1, 2024. Exceptions were filed on behalf of the appellant, and a reply to the 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 May 1, 2024, accepted and adopted the Findings of Fact and Conclusions as contained in the ALJ's initial decision and her recommendation to uphold the removal.

It is noted that the appellant was removed on charges of conduct unbecoming a public employee and a violation of department rules relating to his positive test for cannabis/marijuana. The ALJ had originally rendered an initial decision on January 19, 2023, reversing the appellant's removal. At that time, exceptions were filed on behalf of the appointing authority, and a reply to the exceptions was filed on behalf of the appellant. Upon its *de novo* review, the Commission remanded the matter to the Office of Administrative Law (OAL) for further hearing to develop a factual record as to how the appellant obtained and ingested the cannabis/marijuana. *See In the Matter of Richie Lopez* (CSC, decided February 22, 2023).

The Commission now makes its final comments. As indicated above, the Commission thoroughly reviewed the exceptions filed by the appellant in this matter. The Commission finds the exceptions unpersuasive as the ALJ's findings and

conclusions in upholding the removal was based on her thorough assessment of the record and are not arbitrary, capricious, unreasonable or legally incorrect. In this regard, the Commission notes that the ALJ's findings regarding possible accidental ingestion of cannabis/marijuana were substantially based on her assessment of the credibility of the appellant. The Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). “[T]rial courts’ credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record.” *See also, In re Taylor*, 158 N.J. 644 (1999) (quoting *State v. Locurto*, 157 N.J. 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. *See N.J.S.A. 52:14B-10(c); Cavalieri u. Public Employees Retirement System*, 368 N.J. Super. 527 (App. Div. 2004). In this matter, the exceptions filed by the appellant are not persuasive in demonstrating that the ALJ's credibility determinations, or her findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable. In this regard, the ALJ concluded that:

[L]opez was not a credible witness, and I afford his testimony no weight. His testimony concerning his “accidental” and “unknowing” ingestion of cannabis at his friend’s house was entirely unconvincing. It is difficult to believe that any reasonable officer would consume gummies and chocolate found in an unlabeled Ziploc bag in someone else’s home and not, at a minimum, question the friend about it or suspect that it may contain cannabis. Notably, Lopez’s friend did not testify at the hearing to corroborate Lopez’s account. Moreover, I was not persuaded by Lopez’s unconvincing explanation as to why he never informed the [Jersey City Police Department (JCPD)] that he may have accidentally ingested cannabis. While he testified that he was advised by counsel not to inform the JCPD that his ingestion of cannabis was accidental, this alleged advice constitutes uncorroborated hearsay. Lopez’s former counsel could have testified at the hearing to corroborate his testimony but did not.

Given my consideration of the record, including the documentary evidence, testimony presented at the hearing, and my assessment of its credibility, I FIND that Lopez has failed to demonstrate by a preponderance of the credible evidence that his ingestion of cannabis/marijuana was unintentional or accidental. I further FIND that Lopez presented no evidence to demonstrate that the cannabis/marijuana he ingested prior to the random drug test on

September 14, 2021, was regulated. Since there was no regulated market for recreational cannabis in New Jersey prior to April 21, 2022, Lopez had no prescription for cannabis, and the record is bereft of any evidence that the marijuana/cannabis consumed was regulated, I also FIND that the cannabis/marijuana used by Lopez prior to testing was unregulated.

Thus, the Commission finds nothing in the record or the appellant's exceptions to question those determinations or the findings and conclusions made therefrom.

Further, the Commission is unpersuaded by the appellant's fundamental fairness argument. The appellant's drug screening took place on September 14, 2021, and the positive result came back on October 19, 2021. Therefore, the drug screening took place *prior* to the Cannabis Regulatory Commission's opening of New Jersey's regulated recreational cannabis market, which began on April 21, 2022. *See N.J.S.A. 24:6I-34(d)(2)*. The fact that his removal was effective August 23, 2022, and at that time law enforcement officers could purchase and use regulated cannabis is irrelevant. The appellant's transgression occurred at a time when there was no regulated recreational cannabis available in New Jersey.

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. 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 appellant's taking of unregulated cannabis was clearly egregious enough to warrant removal. His actions were in direct contradiction of New Jersey Attorney

General's Law Enforcement Testing Policy and the appointing authority's drug testing policy. The appellant's actions clearly undermine the public trust. 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 Richie Lopez.

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 1ST DAY OF MAY, 2024



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
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSR 01695-23
(Remand CSR 08567-22)

**IN THE MATTER OF RICHIE LOPEZ,
CITY OF JERSEY CITY.**

Michael Rubas, Esq., for appellant Richie Lopez (Rubas Law Offices, attorneys)

Kyle Trent, Esq., for respondent City of Jersey City (Apruzzese, McDermott,
Mastro & Murphy, attorneys)

Record Closed: February 9, 2024

Decided: April 1, 2024

BEFORE **SUSANA E. GUERRERO, ALJ**:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Appellant Richie Lopez (Lopez) had filed an appeal at the Office of Administrative Law (OAL) for determination as a contested case pursuant to N.J.S.A. 40A:14-202(d), that was perfected on September 28, 2022 under OAL Dkt. No. CSR 08567-22. The respondent had served the appellant with a Preliminary Notice of Disciplinary Action (PNDA) dated November 20, 2021, and a Final Notice of Disciplinary Action (FNDA) dated August 23, 2022, sustaining all charges set forth in the PNDA, and terminating him,

effective August 23, 2022, from his position as a police officer in Jersey City because of a positive drug test.

The appellant filed a motion for summary decision, which the respondent opposed, asserting that Lopez was entitled to summary decision because the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (CREAMMA) expressly prohibits the firing of an employee solely for testing positive for marijuana. I issued an Initial Decision Summary Decision on January 19, 2023 granting the motion for summary decision, and recommended the reversal of Lopez's removal.

On February 27, 2023, the Civil Service Commission did not adopt the Conclusions reached in the Initial Decision and the recommendation to reverse the removal, but remanded the matter, which was now filed under OAL Dkt. No. CSR 01695-23, to the OAL. The Commission's Decision states that since Lopez's drug screening took place prior to the Cannabis Regulatory Commission's opening of regulated recreational cannabis market in New Jersey, regulated cannabis was not available in the State at that time, and because the Acting Attorney General had declared a zero tolerance for unregulated marijuana consumption by officers just a week before, the appointing authority here was not precluded from taking adverse employment action against Lopez based on the positive test result. The Commission therefore remanded the matter "to develop a factual record as to how the marijuana/cannabis was obtained and ingested," "whether Lopez's use was unregulated or not," and to address whether any mitigating facts, such as accidental exposure, exist.

Telephone prehearing conferences were held on March 8, 2023, March 23, 2023, and May 26, 2023. The hearing was scheduled for May 31, 2023, but adjourned at the request of counsel for appellant. The hearing was rescheduled to July 21, 2023, which was also adjourned at the request of counsel for appellant. The hearing was ultimately held on November 1, 2023, and the parties requested an opportunity to request a transcript of the hearing and to file post-hearing briefs. Post-hearing briefs were received on or around January 30, 2024, and the record closed on February 9, 2024, upon receipt of replies to the post-hearing briefs.

FACTUAL DISCUSSION

The underlying facts are largely undisputed, and I **FIND**:

Lopez, a Jersey City police officer, was selected for random drug testing on September 14, 2021, pursuant to Jersey City Police Department (JCPD) General Order 12-18 and the New Jersey Attorney General's Law Enforcement Drug Testing Policy. At the time, the New Jersey Attorney General's Law Enforcement Drug Testing Policy required municipal police departments to conduct random drug tests, which included screening for marijuana use by police officers.

Prior to undergoing the drug test in September 2021, Lopez signed an acknowledgement of receipt of JCPD General Order 12-18, and acknowledged the requirement that he "become aware thoroughly with this policy." Section 5.1.4 of General Order 12-18 put JCPD officers, including Lopez, on notice that the drug test would analyze his specimen for various substances, including marijuana. Section 7.3 of the General Order put JCPD officers, including Lopez, on notice that if an officer tested positive for illegal drug use, they would be terminated. JCPD Rules also provided that: "A member will not use narcotics, hallucinating, stimulating or dangerous drugs while on duty or off duty unless prescribed by a physician for illness."

Lopez provided a urine sample as part of a random drug test on September 14, 2021, which was assigned Donor #611841727. Prior to testing, Lopez completed a Drug Testing Medication Information form in which he listed medications, including unprescribed medication, that he had taken during the fourteen days prior to the random drug test. Lopez did not report using any prescribed or unprescribed marijuana or any medication that would contain THC.

The New Jersey State Toxicology Laboratory completed a mass spectrometer drug test of the urine sample submitted by Lopez, and confirmed a positive result for cannabinoids (THC) which exceeded the 15 nl/mL cutoff. The Laboratory determined that the concentration of THC in Lopez's urine sample was 101.2470 nl/mL.

Internal Affairs interviewed Lopez regarding the test result on or about October 20, 2021. During his interview with Internal Affairs, he was asked if he had consumed marijuana while employed by the Jersey City Police Department, and Lopez replied: "No, I did not." During the interview, the investigators also inquired as to whether Lopez had any explanation as to why THC was in his system, and he stated that he did not.

Charges

Based on the results of the random drug test, the JCPD initiated disciplinary action against Lopez. The FNDA dated August 23, 2022 charges Lopez with having violated JCPD Rule 3:164, JCPD Rule 3:108, and N.J.A.C. 4A:2-2.3(a)(6), for conduct unbecoming a public employee. The incident giving rise to the charges is reported as follows:

On October 19, 2021, this agency was made aware of a urine sample submitted by Police Officer Richie Lopez on September 14, 2021, [that] tested positive for the use of Cannabinoids (THC). The sample was obtained pursuant to random drug testing as delineated by the New Jersey Attorney General Guideline Policy of Law Enforcement Drug Testing

The respondent does not assert, and there is no evidence to suggest, that Lopez used marijuana or cannabis while on duty, nor that he was in any way intoxicated or impaired while on the job at or around the time he submitted to the random drug test in September 2021.

Testimony

Lieutenant Anthony Makofka (Lt. Makofka) was the sergeant assigned to the Internal Affairs Unit that tested Lopez, and prepared the FNDA. Lt. Makofka testified concerning the handling of the urine sample and the investigation. He testified that Lopez denied having a prescription for marijuana and that he did not identify any medication taken on the medication sheet prior to testing. As part of the investigation, Lopez was interviewed by Sergeant Barone and another lieutenant, with his union representative

present, and Lt. Makofka testified that Lopez denied having any explanation as to why there was marijuana in his system. He also testified concerning the Attorney General's guidance to departments concerning cannabis use, as well as JCPD Rules and Regulations, and General Order 12-18.

Richie Lopez testified on his own behalf. He denied ever using marijuana prior to this incident. He testified that after being informed that he tested positive for THC, he thought about how that could have happened. He testified that the day before the drug test, he was at a friend's house watching a game and that he ate some chocolate and gummy candy that he found in a Ziploc bag in his friend's kitchen. Lopez testified that he later learned from his friend that the candy and chocolate contained cannabis, although he denied feeling any effect from his consumption. He testified that he never informed Internal Affairs of this because his attorney advised him not to. On cross-examination Lopez did not recall telling anyone, other than his attorney, prior to December 21, 2022, that his positive test result was from an accidental ingestion, but in his answers to interrogatories, he identified his friend Azam as having knowledge.

Lt. Makofka testified in a straightforward manner, and I have no reason to discount his testimony. On the other hand, Lopez was not a credible witness, and I afford his testimony no weight. His testimony concerning his "accidental" and "unknowing" ingestion of cannabis at his friend's house was entirely unconvincing. It is difficult to believe that any reasonable officer would consume gummies and chocolate found in an unlabeled Ziploc bag in someone else's home and not, at a minimum, question the friend about it or suspect that it may contain cannabis. Notably, Lopez's friend did not testify at the hearing to corroborate Lopez's account. Moreover, I was not persuaded by Lopez's unconvincing explanation as to why he never informed the JCPD that he may have accidentally ingested cannabis. While he testified that he was advised by counsel not to inform the JCPD that his ingestion of cannabis was accidental, this alleged advice constitutes uncorroborated hearsay. Lopez's former counsel could have testified at the hearing to corroborate his testimony, but did not.

Given my consideration of the record, including the documentary evidence, testimony presented at the hearing, and my assessment of its credibility, I **FIND** that

Lopez has failed to demonstrate by a preponderance of the credible evidence that his ingestion of cannabis/marijuana was unintentional or accidental. I further **FIND** that Lopez presented no evidence to demonstrate that the cannabis/marijuana he ingested prior to the random drug test on September 14, 2021 was regulated. Since there was no regulated market for recreational cannabis in New Jersey prior to April 21, 2022,¹ Lopez had no prescription for cannabis, and the record is bereft of any evidence that the marijuana/cannabis consumed was regulated, I also **FIND** that the cannabis/marijuana used by Lopez prior to testing was unregulated.

LEGAL ANALYSIS AND CONCLUSIONS OF LAW

Public employees' rights and duties are governed and protected by the provisions of the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, and the regulations promulgated pursuant thereto, N.J.A.C. 4A:1-1.1 to 10-3.2. However, public employees may be disciplined for a variety of offenses involving their employment, including the general causes for discipline as set forth in N.J.A.C. 4A:2-2.3(a). An appointing authority may discipline an employee for sufficient cause, including failure to obey laws, rules, and regulations of the appointing authority. N.J.A.C. 4A:2-2.3(a)(12).

In disciplinary cases, the appointing authority has the burden of both persuasion and production and must demonstrate by a preponderance of the competent, relevant, and credible evidence that it had just cause to discipline the employee and lodge the charges. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); Atkinson v. Parsekian, 37 N.J. 143 (1962). Evidence is said to preponderate "if it establishes the reasonable probability of the fact." Jaeger v. Elizabethtown Consol. Gas Co., 124 N.J.L. 420, 423 (Sup. Ct. 1940) (citation omitted). The evidence must "be such as to lead a reasonably cautious mind to the given conclusion." Bornstein v. Metro. Bottling Co., 26 N.J. 263, 275 (1958).

Lopez concedes that he ingested cannabis/marijuana prior to the testing positive on September 14, 2021, but asserts that the ingestion was accidental. The Civil Service

¹ The Cannabis Regulatory Commission opened New Jersey's regulated recreational cannabis market on April 21, 2022. No regulated recreational cannabis market existed in New Jersey prior to this date.

Commission remanded this matter to “develop a factual record as to how the marijuana/cannabis was obtained and ingested,” and it wrote that since “the regulated recreational market had not yet opened [when Lopez was tested], Lopez could have only ingested unregulated marijuana (which he could be terminated for), or regulated medical cannabis (for which he would have protections.”) The Commission remanded for a factual finding “as to whether Lopez’s use was unregulated or not,” and to possibly develop any additional mitigating facts.

Lopez asserts in his post-hearing brief that it is the respondent's burden to prove that the cannabis ingested was unregulated, and that since there was no testimony as to how the cannabis was obtained, the respondent failed to meet its burden of proof to establish that it was unregulated. I disagree. While it is the respondent’s burden to prove the charges and the appropriateness of the discipline imposed, if the appellant presents an affirmative defense or mitigating circumstance, such as accidental ingestion, the burden shifts to the appellant. When Lopez was tested, there was no regulated recreational cannabis market in New Jersey, Lopez did not have a prescription for medical cannabis at the time, and no evidence was presented to suggest that the marijuana consumed was obtained through any regulated market. While it is Jersey City’s burden to prove the charges in the FNDA, it does not bear the burden of also proving that the marijuana/cannabis consumed by Lopez was unregulated. If Lopez makes this assertion as an affirmative defense or mitigating factor, it is his burden to prove.

In Lopez's post-hearing brief, he also argues that he cannot be terminated under the protections of CREAMMA. This was previously argued in a motion for summary decision and the Civil Service Commission disagreed with my prior ruling granting summary decision on this basis. The appellant did not appeal the Civil Service Commission’s decision rejecting that argument, and the Commission’s February 22, 2023 Decision bars relitigating that issue at the OAL.

With regarding to the charges filed against Lopez, the FNDA charges him with violating JCPD Rule 3:164, Narcotics Use²; JCPD Rule 3:108, Conduct Unbecoming³; and N.J.A.C. 4A:2-2.4(A)6, Conduct Unbecoming a Public Employee when the agency “was made aware a urine sample submitted by Police Officer Richie Lopez on September 14, 2021, [pursuant to random drug testing] tested positive for the use of Cannabinoids (THC).”

It is undisputed that Lopez’s drug test on September 14, 2021 was positive, and that the screening took place prior to the Cannabis Regulatory Commission’s opening of New Jersey’s regulated recreational cannabis market, which began on April 21, 2022. In its Remand Order, the Commission also noted that “pursuant to an April 13, 2022, memorandum from the Acting Attorney General to all law enforcement chief executives regarding compliance with the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (CREAMMA), ‘there should be zero tolerance for unregulated marijuana consumption by officers at any time, on or off duty, while employed in the State.’” Given the undisputed fact that Lopez tested positive for THC/Cannabinoids after ingesting marijuana/cannabis that was not prescribed by a physician, and my findings that the ingestion was not accidental, unintentional, or regulated, I must **CONCLUDE** that Lopez violated the NJPD Rule 3:164 for using a narcotic that was not prescribed by a physician. I also **CONCLUDE** that Lopez’s conduct in consuming marijuana/cannabis prior to testing on September 14, 2021 constituted conduct unbecoming a police officer, in violation of JCPD Rule 3:108, and N.J.A.C. 4A:2-2.4(A)6. Police officers are held to a higher standard than other public employees, and they must conduct themselves with integrity, dependability, and in compliance with the laws they are often tasked with enforcing. A preponderance of the evidence shows that Lopez intentionally consumed unprescribed and unregulated marijuana/cannabis prior to September 14, 2021, when both the JCPD and Attorney General’s Law Enforcement Drug Testing Policy expressly prohibited this conduct.

² This provides: “A member will not use narcotics, hallucinating, stimulating or dangerous drugs while on duty or off duty, unless prescribed by a physician for illness.”

³ This provides: “Members will not engage in any conduct which constitutes conduct unbecoming an officer or neglect of duty. They will conduct their private and professional lives in such a manner as to be a credit to the department.”

The AG Policy specifically provides that when a law enforcement officer tests positive for illegal drug use, including marijuana/cannabis, the officer “shall be immediately suspended from all duties,” “administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.” (R-5 at 11 and 13.) The JCPD’s Drug Testing Policy also expressly provides that the officer who tests positive for illegal drug use “shall be terminated from employment as a law enforcement officer.” (R-4, at 10.) Moreover, the Attorney General’s guidance to law enforcement officers in place at the time of Lopez’s positive drug test made clear that: “Until the Cannabis Regulatory Commission promulgates and implements regulations [which it had not by the time of testing], there is no regulated, legal cannabis in New Jersey. Therefore, any marijuana consumed by a law enforcement officer . . . will be a controlled dangerous substance and illegal” (R-15.) Lopez knew that he had to pass random drug tests that tested for marijuana/cannabis as a condition of his continued employment, but he intentionally consumed “candy” that contained an unlawful controlled dangerous substance. His positive drug test and use of cannabis products were contrary to JCPD Rules and AG Policy, both of which require termination. I am sympathetic that the outcome here may have been different had Lopez tested positive for cannabinoids only a few months later. However, given the underlying facts, and pursuant to AG Policy and JCPD Policy, I must **CONCLUDE** that termination from employment is the appropriate penalty.

ORDER

I hereby **ORDER** that the charges against the appellant be and hereby are **SUSTAINED**, and that he be terminated from his employment as a police officer.

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.

April 1, 2024
DATE


SUSANA E. GUERRERO, ALJ

Date Received at Agency:

April 1, 2024

Date Mailed to Parties:

April 1, 2024

jb

APPENDIX

Witnesses

For Appellant:

Richie Lopez

For Respondent:

Lieutenant Anthony Makofka

Exhibits

For Appellant:

None

For Respondent:

- R-1 Preliminary Notice of Disciplinary Action
- R-2 Final Notice of Disciplinary Action
- R-3 Excerpt from the JCPD Rules and Regulations
- R-4 General Order 12-18
- R-5 Document Offering General Order 12-18 to Officer Lopez
- R-6 Attorney General Guidelines
- R-7 Closeout Report
- R-8 Toxicology Report for Officer Lopez
- R-9 Memo by Lieutenant Anthony Makofka
- R-10 to R12 No exhibit admitted
- R-13 Medication Form for Officer Lopez
- R-14 Drug Testing Officer Notice and Acknowledgment Form dated September 14, 2021
- R-15 Marijuana Decriminalization of Legalized Cannabis from The Attorney General

- R-16 Letter from Attorney General regarding Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act
- R-17 to R-19 No exhibit admitted
- R-20 IA Report
- R-A West New York Decision
- R-B1 Interrogatories
- R-B2 Answers to Interrogatories