



STATE OF NEW JERSEY

In the Matter of Daniel Hillesheim
City of Margate,
Department of Public Safety

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC DKT. NO. 2016-151
OAL DKT. NO. CSV 11093-15
OAL DKT. NOS. PTC 14686-15 &
PTC 20648-15
(Consolidated)

ISSUED: AUGUST 22, 2017 BW

The appeal of Daniel Hillesheim, Police Officer, City of Margate, Department of Public Safety, removal effective June 8, 2015, on charges, was heard by Administrative Law Judge John S. Kennedy, who rendered his initial decision on June 22, 2017. No exceptions were filed.

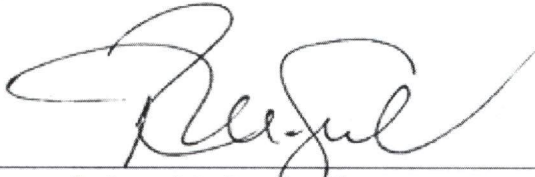
Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of August 16, 2017, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

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 Daniel Hillesheim.

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
AUGUST 16, 2017



Robert M. Czech, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
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 11093-15
AGENCY DKT. NO. 2016-51

**IN THE MATTER OF DANIEL R.
HILLESHEIM, MARGATE CITY,
DEPARTMENT OF PUBLIC SAFETY,**

AND

DANIEL R. HILLESHEIM,

Appellant,

v.

CAMDEN COUNTY COLLEGE

POLICE ACADEMY,

Respondent.

OAL DKT. NOS. PTC 14686-15

AND PTC 20648-15

AGENCY DKT. NO. N/A

(CONSOLIDATED)

Patrick C. Joyce, Esq., for appellant, Daniel R. Hillesheim (Jacobs & Barbone,
PA, attorneys)

Stephen D. Barse, Esq., for respondent, Margate City Department of Public
Safety (Gruccio, Pepper, DeSanto & Ruth, attorneys)

Karl N. McConnell, General Counsel, for respondent, Camden County College
Police Academy

Record Closed: June 22, 2017

Decided: June 22, 2017

BEFORE **JOHN S. KENNEDY**, ALJ:

STATEMENT OF THE CASE

Petitioner, Daniel R. Hillersheim, was dismissed from a basic training course due to a positive drug test as well as a number of violations of the Police Training Commission (PTC)/Academy Rules. As a result, he was also removed from his position as a Police Officer in the City of Margate.

PROCEDURAL HISTORY

By Notice of Dismissal dated December 4, 2014, the Camden County Police Academy (CCPA) dismissed petitioner from the CCPA. On January 12, 2015, the CCPA notified the Margate City Police Department (MCPD) that petitioner had submitted samples for urinalysis that revealed a positive indication of controlled substances. As a result petitioner was deemed "non-certified" and MCPD issued a Final Notice of Disciplinary Action (FNDA) on June 8, 2015, removing him from the position of Police Officer as of June 8, 2015. On October 29, 2015, CCPA amended the Dismissal Notice to add five additional charges and specifications. Petitioner appealed both Notices of Dismissal and his removal from MCPD. All three matters were transmitted to the Office of Administrative Law (OAL) for disposition where they were filed on July 23, 2015, (Removal), September 15, 2015, (First Notice of Dismissal) and September 15, 2016, (Amended Notice of Dismissal) as contested cases pursuant to N.J.S.A. 52:14B-1 to 15 and 14F-1 to 13. The matters were originally assigned to the Honorable Bruce M. Gorman, Administrative Law Judge (ALJ) and later reassigned to me upon Judge Gorman's retirement. All three cases were consolidated by Order dated September 29, 2016, and the PTC was deemed to have the predominant interest.

FACTUAL DISCUSSIONS AND FINDINGS

On September 29, 2016, discovery was served upon petitioner's attorney by the CCPA with a request for reciprocal discovery. No responses have been received. This matter was the subject of several telephone conferences to discuss discovery and

scheduling of hearing dates. On more than on occasion during these telephone conferences, petitioner's attorney advised that petitioner has been unresponsive to his requests to complete responses to the discovery. During a telephone conference on March 30, 2017, I directed petitioner's attorney to respond to the propounded discovery within thirty days. If no response was forthcoming, I directed CCPA to file a Motion to Dismiss. On May 22, 2017, CCPA filed the motion. A telephone conference call was conducted on June 13, 2017, at which time petitioner's attorney advised that petitioner has not responded to numerous attempts to complete discovery and has not corresponded with him whatsoever. On June 13, 2017, I sent a letter to petitioner and all of the attorneys involved in this matter, advising that a telephone conference was scheduled for June 20, 2017, at 3:30 p.m. That letter advised that if petitioner failed to participate in the telephone conference, the cases would be withdrawn and returned to the transmitting agencies. On June 20, 2017, a telephone conference was conducted at 3:30 p.m. All of the attorneys participated in the telephone conference. Petitioner did not. I inquired if petitioner's attorney had heard from his client or had any update as to whether petitioner intended to proceed with his appeal and was advised that the attorney had not heard from his client. The telephone conference was terminated at 3:46 p.m. without petitioner's participation. Petitioner has not contacted the OAL to date to explain his failure to appear.

Based upon the foregoing, I **FIND** as **FACT** that petitioner has failed to respond to discovery served on September 29, 2016, and has not been in contact with his attorney. I also **FIND** as **FACT** the petitioner failed to appear for the telephone conference on June 20, 2017. I also **FIND** as **FACT** that no explanation for the non-appearance of petitioner has been received.

LEGAL DISCUSSION AND CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 1:1-14.4(a) "If, after appropriate notice, neither a party nor a representative appears at any proceeding scheduled by the Clerk or judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the non-appearance within one day, the judge shall, direct the Clerk

to return the matter to the transmitting agency for appropriate disposition pursuant to N.J.A.C. 1:1-3.3(b) and (c).

This matter was scheduled for a telephone conference on June 20, 2017. Petitioner was notified directly by this office of the date and advised that his participation was mandatory. He failed to appear or participate in the telephone conference and has not submitted any explanation as to his failure to appear.

Accordingly, I **CONCLUDE** that the petitioner has abandoned his appeals and direct the Clerk to return all three matters to the transmitting agencies.

ORDER

It is **ORDERED** that the Clerk return these matters to the Police Training Commission and Civil Service Commission for appropriate disposition pursuant to N.J.A.C. 1:1-3.3(b) and (c).

I hereby **FILE** this Initial Decision with **POLICE TRAINING COMMISSION**.

This recommended decision may be adopted, modified or rejected by the **POLICE TRAINING COMMISSION**, who/which by law is authorized to make the final decision on all issues within the scope of its predominant interest. If the **POLICE TRAINING COMMISSION** does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision on all of the issues within the scope of predominant interest 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 **DEPUTY ATTORNEY GENERAL, POLICE TRAINING COMMISSION, Richard J. Hughes Justice Complex, PO Box 085, Trenton, New Jersey 08625-0085**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

Pursuant to N.J.A.C. 1:1-17.8, upon rendering its final decision **POLICE TRAINING COMMISSION** shall forward the record, including this recommended decision and its final decision, to **CIVIL SERVICE COMMISSION** which may subsequently render a final decision on any remaining issues and consider any specific remedies which may be within its statutory grant of authority.

Upon transmitting the record, **POLICE TRAINING COMMISSION** shall, pursuant to N.J.A.C. 1:1-17.8(c), request an extension to permit the rendering of a final decision by the **CIVIL SERVICE COMMISSION** within forty-five days of the predominant agency decision. If the **CIVIL SERVICE COMMISSION** does not render a final decision within the extended time, this recommended decision on the remaining issues and remedies shall become the final decision.

6/22/17
DATE



JOHN S. KENNEDY, ALJ

Date Received at **POLICE TRAINING COMMISSION**: June 22, 2017

Date Mailed to Parties: June 22, 2017

JSK/dm



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lieutenant Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
POLICE TRAINING COMMISSION
PO BOX 085
TRENTON, NJ 08625-0085
TELEPHONE: (609) 984-0960

CHRISTOPHER S. PORRINO
Attorney General

ELIE HONIG
Director

DANIEL HILLESHEIM,

Petitioner

v.

CAMDEN COUNTY COLLEGE
POLICE ACADEMY,

Respondent

FINAL DECISION - AMENDED

OAL Docket No. PTC 14686-15
AND CSV 11093-15¹
(CONSOLIDATED)

The Police Training Commission received an Initial Decision in this matter on June 22, 2017. This final decision was rendered within the time limits prescribed by N.J.A.C. 1:1-18.6.

Petitioner Daniel Hillesheim was enrolled in the Basic Training Course for Police Officers at the Camden County College Police Academy. On December 4, 2014, Petitioner was dismissed from the basic course for positive drug test for a controlled dangerous substance. Petitioner filed an appeal with the Police Training Commission, which was referred to the Office of Administrative Law. On October 29, 2015 an Amended Dismissal Notice was filed with the Office of Administrative Law. The Amended Dismissal Notice cited positive drug test, violation of orders, violation of candor and honesty, filing false reports, falsifying application, violation of drug regulation, and failure to report injury in violation of PTC or academy rules as the reasons for dismissal.

¹ The Initial Decision lists the docket numbers as PTC 14686-15 and PTC 20648-15. After verifying with the Civil Service Commission, the docket numbers have been corrected. Thus, the Initial Decision is modified accordingly.



On September 29, 2016, a discovery request was served on the petitioner's attorney. No response was ever received. Administrative Law Judge (ALJ) John Kennedy scheduled numerous telephone conferences between March 30 and June 20, 2017, none of which the petitioner phoned in for. Petitioner's attorney also reported that his attempts to contact his client were unsuccessful.

As a result of the June 20, 2017 telephone conference and petitioner's failure to appear by telephone on that day, the ALJ concluded that the petitioner has abandoned his appeal and closed the case.

On Wednesday, August 2, 2017, at a regular meeting of the Police Training Commission, the commissioners reviewed the Initial Decision rendered by Judge Kennedy. The commissioners voted to adopt the Initial Decision as the **FINAL DECISION**.

POLICE TRAINING COMMISSION

By: _____

Joseph Walsh - Acting Chairman

