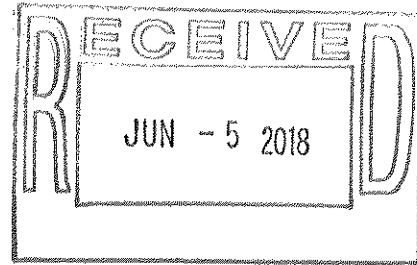


18-1253
SL

Jeffrey S. Ziegelheim, Esquire (On the Complaint)
Attorney ID No. 042101989
Alterman & Associates, LLC
8 South Maple Avenue
Marlton, NJ 08053
Phone: (856) 334-5737
Fax: (856) 334-5731
Attorneys for Plaintiff



POLICE OFFICER MATTHEW LEVINE,

Plaintiff,

v.

TOWNSHIP OF PEQUANNOCK and
TOWNSHIP OF PEQUANNOCK POLICE
DEPARTMENT,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MORRIS COUNTY
DOCKET NO. MRS-L-000988-18

CIVIL ACTION

SUMMONS

**FROM THE STATE OF NEW JERSEY,
TO THE ABOVE NAMED DEFENDANT, Clerk, Township of Pequannock**

The Plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion with 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford to pay an attorney, call the Legal Services Office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of those numbers is also provided.

Dated: May 25, 2018

/s/ Michelle M. Smith
Michelle M. Smith
Clerk of the Superior Court

Name of defendant to be served:
Address for Service:

Clerk, Township of Pequannock
530 Newark-Pompton Turnpike
Pompton Plains, NJ 07444

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., 1st Floor
Atlantic City, NJ 08401

LAWYER REFERRAL
(609)345-3444
LEGAL SERVICES
(609)348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 10 Main Street
Hackensack, NJ 07601-0769

LAWYER REFERRAL
(201)488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
1st Floor, Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609)261-4862
LEGAL SERVICES
(609)261-1088

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
1st Floor, Hall of Records
101 S. 5th Street

LAWYER REFERRAL
(856)964-4520
LEGAL SERVICES
(856)964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

LAWYER REFERRAL
(609)463-0313
LEGAL SERVICES
(609)465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08032

LAWYER REFERRAL
(856)692-6207
LEGAL SERVICES
(856)451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07012

LAWYER REFERRAL
(973)622-6207
LEGAL SERVICES
(973)624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
1st Floor, Court House
1 North Broad Street, P.O. Box 129
Woodbury, NJ 08096

LAWYER REFERRAL
(856)848-4589
LEGAL SERVICES
(856)848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House – 1st Floor
583 Newark Avenue
Jersey City, NJ 07306

LAWYER REFERRAL
(201)798-2727
LEGAL SERVICES
(201)792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08862

LAWYER REFERRAL
(908)735-2727
LEGAL SERVICES
(908)782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad St., P.O. Box 8062
Trenton, NJ 08650

LAWYER REFERRAL
(609)585-6200
LEGAL SERVICES
(609)695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Administration Building, 3rd Floor
1 Kennedy Square, P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732)828-0053
LEGAL SERVICES
(732)249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House, 71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1262

LAWYER REFERRAL
(732)431-5544
LEGAL SERVICES
(732)866-0020

MORRIS COUNTY:

Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., P.O. Box 910
Morristown, NJ 07960-0910

LAWYER REFERRAL
(973)267-5882
LEGAL SERVICES
(973)285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL
(732)240-3666
LEGAL SERVICES
(732)341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Square
Paterson, NJ 07505

LAWYER REFERRAL
(973)278-9223
LEGAL SERVICES
(973)345-7171

SALEM COUNTY:

Deputy Clerk of the Superior Court
92 Market Street
P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL
(856)935-5628
LEGAL SERVICES
(856)451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Floor
P.O. Box 3000
Somerville, NJ 08876

LAWYER REFERRAL
(908)685-2323
LEGAL SERVICES
(908)231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43 – 47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973)267-5882
LEGAL SERVICES
(973)383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1ST Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908)353-4715
LEGAL SERVICES
(908)354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House, 413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973)267-5882
LEGAL SERVICES
(973)475-2010

Jeffrey S. Ziegelheim, Esquire (On the Complaint)
Attorney ID No. 042101989
Alterman & Associates, LLC
8 South Maple Avenue
Marlton, NJ 08053
Phone: (856) 334-5737
Fax: (856) 334-5731
Attorneys for Plaintiff

POLICE OFFICER MATTHEW LEVINE,

Plaintiff,

v.

TOWNSHIP OF PEQUANNOCK and
TOWNSHIP OF PEQUANNOCK POLICE
DEPARTMENT,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MORRIS COUNTY
DOCKET NO.

CIVIL ACTION

**COMPLAINT IN LIEU OF
PREROGATIVE WRIT FOR
DECLARATORY JUDGMENT**

Plaintiff, POLICE OFFICER MATTHEW LEVINE, by way of Verified Complaint in lieu of Prerogative Writ against Defendant, TOWNSHIP OF PEQUANNOCK AND TOWNSHIP OF PEQUANNOCK POLICE DEPARTMENT, hereby states:

PARTIES

1. Plaintiff, Matthew Levine ("Officer Levine") is a natural person and resident of Morris County, New Jersey. He is and, at all times relevant to this action, was employed by Defendants as a Police Officer within its police department ("Department").

2. Defendant, Township of Pequannock ("Pequannock") is a municipality organized pursuant to the laws of the State of New Jersey, which oversees the municipal police department, with a principal business address of 530 Newark-Pompton Plains Turnpike, Pompton Plains, New Jersey 07444-1799.

3. Defendant Township of Pequannock Police Department ("Department") is a municipal law enforcement agency organized pursuant to the laws of the State of New Jersey, who has employed the Plaintiff directly, with a principal business address of 530 Newark-Pompton Plains Turnpike, Pompton Plains, New Jersey 07444-1799.

4. The Defendant Department is a non-civil service municipality, and appeals of discipline are the jurisdiction of the Superior Court under N.J.S.A. 40A:14-150.

FACTS

5. In or about February, 2012, Officer Levine commenced Employment with the Township of Pequannock Police Department. Prior thereto, Officer Levine served as a police officer with the Palisades Interstate Parkway Police Department from June, 2008.
6. During the course of November, 2015, the Township of Pequannock Police Department initiated an investigation into Officer Levine's alleged improper use of the C.J.I.S. (Criminal Justice Information System).
7. The matter was referred to the Morris County Prosecutor's Office in December, 2015. Following a prolonged investigation, the matter was ultimately referred back to the Township of Pequannock Police Department for any administrative action they might pursue.
8. During the entirety of the investigation, Officer Levine was permitted to work full duty, although his C.J.I.S. privileges were suspended.
9. As part of the aforementioned investigation, over 700 motor vehicle stops conducted by Officer Levine between January 1, 2015, and November 23, 2015, were analyzed.

10. Of the 700 plus motor vehicle stops which were conducted by Officer Levine, Pequannock found issues with but two, alleging that Officer Levine made false statements in his reporting of same.
11. During the course of the investigation, it was determined that Officer Levine almost exclusively utilized the full disclosure lookup module in the C.J.I.S. platform when performing his police functions.
12. As part of the investigation, Officer Levine was ordered to sit for an administrative internal affairs interview relative to his use of the C.J.I.S. system and the aforementioned two motor vehicle stops.
13. Following the administrative interview, Officer Levine was suspended from duty without pay.
14. A statement of charges was served upon Officer Levine, seeking his termination from employment. (Exhibit A).
15. A disciplinary hearing was held over the course of three days. The charges preferred were sustained by the Hearing Officer. The recommended discipline was termination.
16. On May 18, 2018, the Township Manager of the Township of Pequannock accepted the recommendation of the Hearing Officer and terminated Officer Levine from employment.
17. On May 22, 2018, Officer Levine notified the Township Manager and the Chief of Police of his intent to appeal, pursuant to the ten (10) day notice requirement of N.J.S.A. 40A:14-150. (Exhibit B)
18. Plaintiff now appeals this matter pursuant to the aforementioned statute.
19. The Plaintiff has exhausted his administrative remedies.

COUNT I

Appeal of Discipline Pursuant to N.J.S.A. 40A:14-150

20. The Plaintiff appeals his termination as a non civil service police officer pursuant to N.J.S.A. 40A:14-150, which states that "Any member or officer of a police department or force in a municipality wherein Title 11A of the New Jersey Statutes is not in operation, who has been tried and convicted upon any charge or charges, may obtain a review thereof by the Superior Court... The court shall hear the cause *de novo* on the record below and may either affirm, reverse or modify such conviction. If the applicant shall have been removed from his office, employment or position the court may direct that he be restored to such office, employment or position and to all his rights pertaining thereto, and may make such other order or judgment as said court shall deem proper." N.J.S.A. 40A:14-150."
21. Plaintiff appeals on the basis that he is not precluded from employment as a police officer as a matter of law.
22. Plaintiff also appeals on the basis that the Morris County Prosecutor's Office has not made any Brady determination that would preclude Officer Levine from continued employment.
23. Plaintiff also appeals on the basis that Officer Levine did not violate any C.J.I.S. policy.
24. Plaintiff also appeals on the basis that termination violates the C.J.I.S. policy of progressive discipline.
25. Plaintiff also appeals on the basis that termination violates the policy of progressive discipline of the Township of Pequannock Police Department.
26. Plaintiff also appeals on the basis that the Township failed to meet its burden of proof.

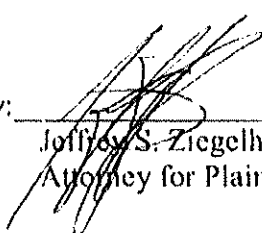
27. Plaintiff also appeals on the basis that the recommendation for termination was arbitrary, capricious, outside the scope of the record and prejudicial.
28. If this court does not grant the requested relief, the Plaintiff will suffer irreparable harm and injury, as he will be improperly denied his livelihood and life-long dream of being a police officer.
29. The plaintiff has exhausted his administrative remedies.
30. The Superior Court of New Jersey has jurisdiction to hear this matter.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of Plaintiff and against Defendants;
- b. An Order compelling Defendants withdraw the termination of the Plaintiff;
- c. Back Pay for the days suspended;
- d. Attorneys fees; and
- e. Such additional relief as this Court deems just and equitable.

Respectfully submitted,

ALTERMAN & ASSOCIATES, LLC.

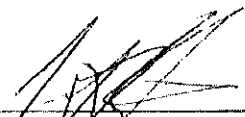
By: 
Jeffrey S. Ziegelheim, Esquire
Attorney for Plaintiff

Dated: 5/24/18

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that to the best of my information, knowledge and belief that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, that no other action or arbitration proceeding is contemplated, and that I am not aware of any other person who should be joined in this matter.

ALTERMAN & ASSOCIATES, LLC.

By: 

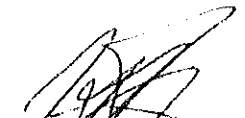
Jeffrey S. Ziegelheim, Esquire
Attorneys for Plaintiff

Dated: 5/24/18

DESIGNATION OF TRIAL COUNSEL PURSUANT TO RULE 4:25-4

Jeffrey S. Ziegelheim, Esquire is hereby designated as trial counsel in this matter.

ALTERMAN & ASSOCIATES, LLC.

By: 

Jeffrey S. Ziegelheim, Esquire
Attorneys for Plaintiff

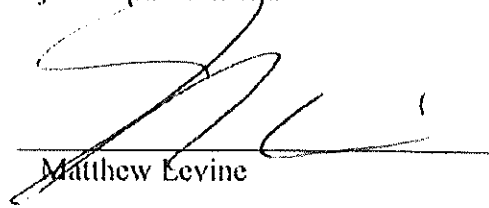
Dated: 5/24/18

VERIFICATION BY CERTIFICATION

I, Matthew Levine, of full age, do hereby state

1. I am a Plaintiff in the above-captioned action.
2. I have read the Verified Complaint.
3. The factual allegations set forth in the Verified Complaint, which are incorporated herein by reference, are true.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Matthew Levine

Dated: 5/23/18

CERTIFICATION OF SERVICE

I certify that the a copy of the within Complaint in Lieu of Prerogative Writ which was forwarded to the Superior Court of New Jersey, Morris County, New Jersey, was sent to:

David W. Hollberg
Township Manager/C.F.O.
Township of Pequannock
530 Newark-Pompton Turnpike
Pompton Plains, NJ 07444

Brian Spring
Chief of Police
Township of Pequannock Police Department
530 Newark-Pompton Turnpike
Pompton Plains, NJ 07444

Stephen E. Trimboli, Esq.
Trimboli and Prusinowski
268 South Street
Morristown, NJ 07960

Dated: 5/24/18

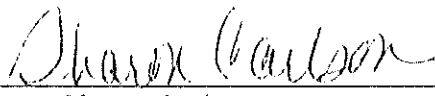

Sharon Carlson

EXHIBIT A

Notice of Disciplinary Action

INSTRUCTIONS: This notice must be served on an employee against whom any discipline above a written reprimand is contemplated.

FROM:	JURISDICTION (Local Service) Pequannock Township	DEPARTMENT Police Department	
	DIVISION, INSTITUTION OR AGENCY	ADDRESS	DATE July 6, 2017
TO:	NAME OF EMPLOYEE Matthew A. Levine	TITLE Police Officer	
	STREET 530 Newark Pompton Turnpike	CITY AND STATE Pompton Plains, NJ	

1. You are hereby notified that the following charge(s) has been made against you:
(If necessary, use additional sheets and attach.)

CHARGE(S):

Rule 3:1.1 – Performance of Duty.

SPECIFICATION(S):

Did willfully and intentionally engage in an ongoing, repeated course of improper and unlawful conduct of violating NJCIS policy by conducting full information inquiries on the in-car computer without the required supporting justification or factual basis.

☒ If checked, charges are continued on attached page

☒ If checked, specifications are continued on attached page

- ☒ You are hereby suspended effective **July 6, 2017 (without pay.)**
(Check box and indicate if employee is suspended pending final disposition of the matter.)

2. ☒ IF YOU DESIRE A DEPARTMENTAL HEARING ON THE ABOVE CHARGE(S), NOTIFY THIS OFFICE WITHIN
5 * DAYS OF RECEIPT OF THIS FORM. IF YOU REQUEST A DEPARTMENTAL HEARING IT WILL BE HELD
ON **TBD**, 20____ at (time) ____ at (place of hearing) ____

* Must be minimum of five days **Hearing within 30 days of service or as agreed by the parties.**

3. The following disciplinary action may be taken against you:

- ☐ Suspension for ____ days, beginning ____ and ending ____
- ☐ Indefinite suspension pending criminal charges effective (date) ____
- ☒ Removal, effective (date) **To be determined.**
- ☐ Demotion to position of ____ effective (date) ____
- ☐ Resignation not in good standing, effective (date) ____
- ☐ Fine \$ ____ which is equal to ____ days pay

☐ Other Disciplinary Action
(explains on attached page)

SIGNATURE

TITLE **Captain of Police**

NOTICE: Your health insurance coverage may be affected by this action; check with your Personnel Office.

Method of Service (Check One)	☒ PERSONAL SERVICE →	NAME AND TITLE OF SERVER Capt. Christopher DeRuyt	DATE SERVED 7/6/2017
	☐ CERTIFIED OR REGISTERED MAIL →	Give date of receipt by employee or agent as shown On return receipt postal card and the receipt number:	

Notice of Disciplinary Action

INSTRUCTIONS: This notice must be served on an employee against whom any discipline above a written reprimand is contemplated.

FROM:	JURISDICTION (Local Service) Pequannock Township	DEPARTMENT Police Department	
	DIVISION, INSTITUTION OR AGENCY	ADDRESS	DATE July 6, 2017
TO:	NAME OF EMPLOYEE Matthew A. Levine	TITLE Police Officer	
	STREET 530 Newark Pompton Turnpike	CITY AND STATE Pompton Plains, NJ	

1. You are hereby notified that the following charge(s) has been made against you
(If necessary, use additional sheets and attach)

CHARGE(S):

Rule 3:1.1 Performance of Duty.
(Continued)

SPECIFICATION(S):

Did willfully and intentionally engage in an ongoing, repeated course of improper and unlawful conduct of violating New Jersey statutes, and violating the statutory privacy rights of citizens, by conducting full information inquiries on the in-car computer without the required supporting justification or factual basis.

☒ If checked, charges are continued on attached page

☒ If checked, specifications are continued on attached page

- ☒ You are hereby suspended effective **July 6, 2017 (without pay.)**
(Check box and indicate if employee is suspended pending final disposition of the matter.)

2. ☒ IF YOU DESIRE A DEPARTMENTAL HEARING ON THE ABOVE CHARGE(S), NOTIFY THIS OFFICE WITHIN
5 * DAYS OF RECEIPT OF THIS FORM. IF YOU REQUEST A DEPARTMENTAL HEARING IT WILL BE HELD
ON **TBD**, 20____ at (time) ____ at (place of hearing) ____

* Must be minimum of five days **Hearing within 30 days of service or as agreed by the parties.**

3. The following disciplinary action may be taken against you:

- ☐ Suspension for ____ days, beginning ____ and ending ____
- ☐ Indefinite suspension pending criminal charges effective (date) ____
- ☒ Removal, effective (date) **To be determined.**
- ☐ Demotion to position of ____ effective (date) ____
- ☐ Resignation not in good standing, effective (date) ____
- ☐ Fine \$ ____ which is equal to ____ days pay

☐ Other Disciplinary Action
(explain on attached page if)

SIGNATURE

[Signature]
(Chief of Police or authorized agent)

TITLE **Captain of Police**

NOTICE: Your health insurance coverage may be affected by this action; check with your Personnel Office.

Method of Service (Check One)	☒ PERSONAL SERVICE →	NAME AND TITLE OF SERVER Capt. Christopher DePuy	DATE SERVED 7/6/2017
	☐ CERTIFIED OR REGISTERED MAIL →	Give date of receipt by employee or agent/as shown. On return receipt postal card and the receipt number.	

Notice of Disciplinary Action

INSTRUCTIONS: This notice must be served on an employee against whom any discipline above a written reprimand is contemplated

FROM:	JURISDICTION (Local Service)	DEPARTMENT	
	Pequannock Township	Police Department	
TO:	DIVISION, INSTITUTION OR AGENCY	ADDRESS	DATE
			July 6, 2017
	NAME OF EMPLOYEE	TITLE	
	Matthew A. Levine	Police Officer	
	STREET	CITY AND STATE	
	530 Newark Pompton Turnpike	Pompton Plains, NJ	

1. You are hereby notified that the following charge(s) has been made against you:
(If necessary, use additional sheets and attach.)

CHARGE(S):

Rule 3:4.3 -- Knowingly Falsifying Official Reports.

SPECIFICATION(S):

Did willfully state false information in reports as specified:

May 15, 2015 IR# 2015-006182
(Misstatement of conducting a random plate inquiry, when no such inquiry was performed and omitting the probable cause for the traffic stop.)
November 20, 2015 IR# 2015-015300
(Misstatement of distance and location of suspect vehicle.)

☒ If checked, charges are continued on attached page

☒ If checked, specifications are continued on attached page

☒ You are hereby suspended effective July 6, 2017 (without pay.)
(Check box and indicate if employee is suspended pending final disposition of the matter.)

2. ☒ IF YOU DESIRE A DEPARTMENTAL HEARING ON THE ABOVE CHARGE(S), NOTIFY THIS OFFICE WITHIN
5 * DAYS OF RECEIPT OF THIS FORM. IF YOU REQUEST A DEPARTMENTAL HEARING IT WILL BE HELD
ON TBD , 20 ____ at (time) ____ at (place of hearing) ____

* Must be minimum of five days Hearing within 30 days of service or as agreed by the parties.

3. The following disciplinary action may be taken against you:

- ☐ Suspension for ____ days, beginning ____ and ending ____
☐ Indefinite suspension pending criminal charges effective (date) ____
☒ Removal, effective (date) To be determined.
☐ Demotion to position of ____ effective (date) ____
☐ Resignation not in good standing, effective (date) ____
☐ Fine \$ ____ which is equal to ____ days pay

☐ Other Disciplinary Action
(explain on attached page)

SIGNATURE

Capt. Christopher DeRuyt

TITLE Captain of Police

NOTICE: Your health insurance coverage may be affected by this action; check with your Personnel Office.

Method of Service (Check One)	☒ PERSONAL SERVICE →	NAME AND TITLE OF SERVER	DATE SERVED
	☐ CERTIFIED OR REGISTERED MAIL →	<i>Capt. Christopher DeRuyt</i>	<u>7/6/2017</u>
		Give date of receipt by employee or agent as shown On return receipt postal card and the receipt number.	

Notice of Disciplinary Action

INSTRUCTIONS: This notice must be served on an employee against whom any discipline above a written reprimand is contemplated.

FROM:	JURISDICTION (Local Service)	DEPARTMENT	
	Pequannock Township	Police Department	
	DIVISION, INSTITUTION OR AGENCY	ADDRESS	DATE
			July 6, 2017
TO:	NAME OF EMPLOYEE	TITLE	
	Matthew A. Levine	Police Officer	
	STREET	CITY AND STATE	
	530 Newark Pompton Turnpike	Pompton Plains, NJ	

1. You are hereby notified that the following charge(s) has been made against you:
(If necessary, use additional sheets and attach.)

CHARGE(S):

Rule 3:7.5 – Work Expectation; employees are expected to perform their duties to the best of their abilities at all times.

SPECIFICATION(S):

Did willfully fail to document proper information in reports as required, specifically;
May 15, 2015 IR# 2015-006182
(Misstatement of conducting a random plate inquiry, when no such inquiry was performed and omitting the probable cause reason for the traffic stop.)
November 20, 2015 IR# 2015-015300
(Misstatement of distance and location of suspect vehicle.)

☒ If checked, charges are continued on attached page

☒ If checked, specifications are continued on attached page

☒ You are hereby suspended effective July 6, 2017 (without pay.)
(Check box and indicate if employee is suspended pending final disposition of the matter.)

2. ☒ IF YOU DESIRE A DEPARTMENTAL HEARING ON THE ABOVE CHARGE(S), NOTIFY THIS OFFICE WITHIN
5 * DAYS OF RECEIPT OF THIS FORM. IF YOU REQUEST A DEPARTMENTAL HEARING IT WILL BE HELD
ON TBD, 20____ at (time) _____ at (place of hearing) _____

* Must be minimum of five days. Hearing within 30 days of service or as agreed by the parties.

3. The following disciplinary action may be taken against you:

- ☐ Suspension for _____ days, beginning _____ and ending _____
☐ Indefinite suspension pending criminal charges effective (date) _____
☒ Removal, effective (date) To be determined.
☐ Demotion to position of _____ effective (date) _____
☐ Resignation not in good standing, effective (date) _____
☐ Fine \$ _____ which is equal to _____ days pay

☐ Other Disciplinary Action
(explain on attached page)

SIGNATURE Capt. [Signature] TITLE Captain of Police

NOTICE: Your health insurance coverage may be affected by this action; check with your Personnel Office.

Method of Service (Check One)	☒ PERSONAL SERVICE →	NAME AND TITLE OF SERVER <u>Capt. [Signature]</u>	DATE SERVED <u>7/6/2017</u>
	☐ CERTIFIED OR REGISTERED MAIL →	Give date of receipt by employee or agent as shown On return receipt postal card and the receipt number:	

Notice of Disciplinary Action

INSTRUCTIONS: This notice must be served on an employee against whom any discipline above a written reprimand is contemplated.

FROM:	JURISDICTION (Local Service)	DEPARTMENT	
	Pequannock Township	Police Department	
TO:	DIVISION, INSTITUTION OR AGENCY	ADDRESS	DATE
			July 6, 2017
	NAME OF EMPLOYEE	TITLE	
	Matthew A. Levine	Police Officer	
	STREET	CITY AND STATE	
	530 Newark Pompton Turnpike	Pompton Plains, NJ	

1. You are hereby notified that the following charge(s) has been made against you:
(If necessary, use additional sheets and attach)

CHARGE(S):

Misconduct as defined in N.J.S.A. 40A:14-147
Incapacity as defined in N.J.S.A. 40A:14-147

SPECIFICATION(S):

Did engage in a course of conduct, as more fully described in the foregoing specifications, involving conduct equivalent to the crime of pattern of official misconduct, N.J.S.A. 2C:30-7, involving dishonesty and moral turpitude.

*All charges apply to all specifications.

☐ If checked, charges are continued on attached page

☐ If checked, specifications are continued on attached page

- ☒ You are hereby suspended effective **July 6, 2017 (without pay.)**
(Check box and indicate if employee is suspended pending final disposition of the matter.)

2. ☒ IF YOU DESIRE A DEPARTMENTAL HEARING ON THE ABOVE CHARGE(S), NOTIFY THIS OFFICE WITHIN
5 * DAYS OF RECEIPT OF THIS FORM. IF YOU REQUEST A DEPARTMENTAL HEARING IT WILL BE HELD
ON TBD, 20____ at (time) _____ at (place of hearing) _____

* Must be minimum of five days **Hearing within 30 days of service or as agreed by the parties.**

3. The following disciplinary action may be taken against you:

- ☐ Suspension for _____ days, beginning _____ and ending _____
☐ Indefinite suspension pending criminal charges effective (date) _____
☒ Removal, effective (date) To be determined.
☐ Demotion to position of _____ effective (date) _____
☐ Resignation not in good standing, effective (date) _____
☐ Fine \$ _____ which is equal to _____ days pay

☐ Other Disciplinary Action
(explain on attached page)

SIGNATURE _____

(Title of Police or authorized personnel)

TITLE Captain of Police

NOTICE: Your health insurance coverage may be affected by this action; check with your Personnel Office.

Method of Service (Check One)	☒ PERSONAL SERVICE →	NAME AND TITLE OF SERVER <u>Captain Christopher DePuy</u>	DATE SERVED <u>7/6/2017</u>
	☐ CERTIFIED OR REGISTERED MAIL →	Give date of receipt by employee or agent as shown On return receipt postal card and the receipt number:	

EXHIBIT B

ALTERMAN & ASSOCIATES, LLC

8 South Maple Avenue
Marlton, New Jersey 08053
(856)334-5737 - Phone
(856)334-5731 -- Fax

Please forward all correspondence to the Marlton office

Stuart J. Alterman
*Jeffrey S. Ziegelheim**
Arthur J. Murray
**Of Counsel*

Haledon Office
22 Church Street
Haledon, New Jersey 07508
(973)956-1621 - Phone
(973)956-1421 - Fax

May 22, 2018

VIA EMAIL DHollberg@Peqtwp.org
AND REGULAR MAIL

David W. Hollberg
Township Manager/C.F.O.
Township of Pequannock
530 Newark-Pompton Turnpike
Pompton Plains, NJ 07444

RE: Township of Pequannock and Patrolman Matthew Levine
Notice of Disciplinary Action Dated 07/06/17
Our File No. 3072

Dear Township Manager Hollberg:

I am in receipt of your decision to terminate the employment of Officer Levine effective May 18, 2018 pursuant to N.J.S.A. 40A:14-150. You are hereby put on notice that it is the intention of Officer Levine to appeal said termination to the Superior Court of New Jersey.

Respectfully,
ALTERMAN & ASSOCIATES, LLC
Jeffrey S. Ziegelheim, Esquire
Jeffrey S. Ziegelheim, Esquire
jz@alterman-law.com

JSZ/sc

cc: Brian Spring, Chief of Police (by email BSpring@peqtwp.org and regular mail)
Stephen Trimboli, Esq. (by email strimboli@trimprulaw.com and regular mail)
Matthew Levine

Civil Case Information Statement

Case Details: MORRIS | Civil Part Docket# L-000988-18

Case Caption: LEVINE MATTHEW VS TOWNSHIP OF
PEQUANNO CK

Case Initiation Date: 05/24/2018

Attorney Name: JEFFREY S ZIEGELHEIM

Firm Name: ALTERMAN AND ASSOCIATES LLC

Address: 8 SOUTH MAPLE AVE

MARLTON NJ 08053

Phone:

Name of Party: PLAINTIFF : Levine, Matthew

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: ACTIONS IN LIEU OF PREROGATIVE WRITS

Document Type: Complaint

Jury Demand: NONE

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same
transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the
court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

05/24/2018
Dated

/s/ JEFFREY S ZIEGELHEIM
Signed

MORRIS COUNTY
SUPERIOR COURT
COURT STREET
MORRISTOWN NJ 07960

COURT TELEPHONE NO. (973) 656-4100
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: MAY 24, 2018
RE: LEVINE MATTHEW VS TOWNSHIP OF PEQUANNO CK
DOCKET: MRS L -000988 18

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 4.

DISCOVERY IS PRESUMPTIVELY 450 DAYS BUT MAY BE ENLARGED OR SHORTENED BY THE JUDGE AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE MANAGING JUDGE ASSIGNED IS: HON STUART A. MINKOWITZ

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (973) 656-4106.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.

ATTENTION:

ATT: JEFFREY S. ZIEGELHEIM
ALTERMAN AND ASSOCIATES LLC
8 SOUTH MAPLE AVE
MARLTON NJ 08053

ECOURTS