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COUNTY OF CAMDEN

Plaintiff,

Vs.

GALLOWAY TOWNSHIP, CITY OF
VENTNOR, BOROUGH OF
CHESILHURST, BOROUGH OF PINE
HILL, BOROUGH OF GIBBSBORO,
LUMBERTON TOWNSHIP, BOROUGH OF
PAULSBORO, MANTUA TOWNSHIP

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CAMDEN COUNTY

DOCKET NO. CAM- L-

CIVIL ACTION

COMPLAINT FOR
DECLARATORY RELIEF

Plaintiff, the County of Camden, whose office is located at 520 Market Street, City Hall, Camden, New Jersey 08102, by way of Complaint for Declaratory Relief says.

ALLEGATIONS PERTINENT TO ALL COUNTS

1. Plaintiff, County of Camden, is and at all times material has been a body politic and corporate existing under the laws of the State of New Jersey, with its principal place of business at 520 Market Street, City Hall, Camden, New Jersey 08102.
2. The County of Camden maintains a Camden County Police Department (CCPD) which operates, at the present time, as the policing agent in the City of Camden.

3. The County of Camden, through the CCPD expends substantial sums in examining, hiring and training its police officers.
4. Certain of the trained police officers, after receiving their training and certification, have left the CCPD, frequently to join other local government police departments or other entity law enforcement units.
5. Under certain circumstances as set out in N.J.S.A. 40A: 14-178, the County of Camden is entitled to recover all or some of the moneys expended in the examination, hiring and training of these officers.
6. Defendant Galloway Township Police Department is, and at all times material has been, a municipal corporation existing under the laws of the State of New Jersey, with its principal place of business at 300 E. Jimmie Leeds Road, Galloway, New Jersey.
7. Defendant City of Ventnor is, and at all times has been, a municipal corporation existing under the laws of the State of New Jersey, with its principal place of business at 6201 Atlantic Avenue, Ventnor City, New Jersey.
8. Defendant Borough of Chesilhurst Police Department is, and at all material times has been, a municipal corporation existing under the laws of the State of New Jersey, with its principal place of business at 201 Grant Avenue, Waterford Works, New Jersey.
9. Defendant Borough of Pine Hill Police Department is, and at all material times has been a municipal corporation existing under the laws of the State of New Jersey, with its principal place of business at 48 W. 6th Avenue, Pine Hill, New Jersey.
10. Defendant Borough of Gibbsboro Police Department is, and at all material times has been, a municipal corporation existing under the laws of the State of New Jersey, with its principal place of business at 5 Foster Avenue, Gibbsboro, New Jersey.

11. Defendant Lumberton Township Police Department is, and at all material times has been, a municipal corporation existing under the laws of the State of New Jersey, with its principal place of business at 35 Municipal Drive, Lumberton, New Jersey.
12. Defendant Borough of Paulsboro Police Department is, and at all material times has been, a municipal corporation existing under the laws of the State of New Jersey, with its principal place of business at 1211 Delaware Street, Paulsboro, New Jersey.
13. Defendant Mantua Township Police Department is, and at all material times has been, a municipal corporation existing under the laws of the State of New Jersey, with its principal place of business at 405 Main Street, Mantua Township, New Jersey.

JURISDICTION AND VENUE

14. This matter involves a question of construction, validity, or rights of the parties under a statute, and the Declaratory Judgments statute, N.J.S.A. 2A:16-53, permits Plaintiff to obtain a declaration of its rights under N.J.S.A. 40A: 14-178.
15. Venue is proper in the Law Division of the Superior Court - Camden Vicinage, as R. 4:3-2(a)(2) states that venue shall be laid as follows, "(2) actions not affecting real property which are brought by or against municipal corporations, counties, public agencies or officials, in the county in which the cause of action arose;"
16. This matter involves the entitlement of the County of Camden to reimbursement of certified costs of examining, hiring and training officers of the CCPD, which training, and employment were provided in the County of Camden, such that venue in Camden County is appropriate.

THE RIGHTS OF THE PARTIES UNDER N.J.S.A. 40A:14-178

(APPLICABLE TO ALL COUNTS)

**MEMBERS OF POLICE DEPARTMENTS APPOINTED TO ANOTHER
DEPARTMENT OF ANOTHER COUNTY, MUNICIPALITY OR EDUCATIONAL
INSTITUTION WITHIN 120 DAYS OF RESIGNATION; LIABILITY FOR
EXAMINATION, HIRING AND TRAINING COSTS**

17. N.J.S.A. 40A:14-178 states, in pertinent part, as follows.

a. Whenever a person who resigned as a member of a county ...law enforcement agency is appointed to another county or municipal law enforcement agency, ...within 120 days of resignation, and that person held a probationary appointment at the time of resignation or held a permanent appointment for 30 days or less prior to resignation, the (hiring) county or municipal law enforcement agency is liable to the former county ... employer for the total certified costs incurred by the former employer in the examination, hiring, and training of the person.

b. Whenever [such an event as described in (a) above] within 120 days of resignation, and that person, at the time of resignation held a permanent appointment for more than 30 days but less than two years, the [hiring] county or municipal law enforcement agency is liable to the former county ... employer, as appropriate, for one-half of the total certified costs incurred by the former employer in the examination, hiring and training of that person.

COUNT ONE vs GALLOWAY TOWNSHIP POLICE DEPARTMENT

18. Galloway Township Police Department, with a principal place of business at 300 E. Jimmie Leeds Road, Galloway, NJ, appointed two officers:

a. Richard Arroyo, on September 15, 2017; and

b. Jeremy Feliciano, on September 26, 2017

RICHARD ARROYO

19. Richard Arroyo was hired as a CCPD police officer and trained at the Camden County Police Academy (Academy) from October 19, 2015, through March 22, 2016.

20. Officer Arroyo graduated with a certificate indicating completion of the PTC.

21. Upon completion of the PTC police officers are required to complete a one year Working Test Period (WTP).

22. Officer Arroyo's WTP ran from March 22, 2016, through March 22, 2017.
23. Officer Arroyo's regular appointment as an Officer of CCPD became a permanent appointment on March 22, 2017, upon successful completion of the WTP.
24. Officer Arroyo resigned from CCPD effective September 15, 2017, which date is after the WTP and the permanent appointment.
25. Defendant appointed Officer Arroyo September 15, 2017, well within 120 days of his resignation from CCPD.
26. The County of Camden incurred total certified examining, hiring and training costs (certified costs) with respect to the training of Officer Arroyo of \$14,937.00, calculated in accordance with the statute as follows:

Training Academy Tuition	\$ 750.00
Urinalysis	\$ 45.00
Psychological Exam	\$ 325.00
Medical Exam	\$ 211.90
Salary during training	<u>\$13,605.10</u>
Total	\$ 14,937.00

27. By the terms of N.J.S.A. 40A: 14-178, 50% of the total of these costs is reimbursable to the County of Camden and that sum (\$7,468.50) remains due and owing.
28. The County of Camden sent an initial demand letter October 10, 2017.
29. A reply via email was received on October 17, 2017, attaching an Offer of Employment.
30. The full balance of \$7,468.50 remains due and owing.

JEREMY FELICIANO

Galloway Township Police Department, with a principal place of business at 300 E. Jimmie Leeds Road, Galloway, appointed **Jeremy Feliciano**, as a member of the Police Department on September 26, 2017.

31. Jeremy Feliciano was hired as a CCPD police officer and trained at the Camden County Police Academy (Academy) from October 19, 2015, through March 22, 2016.
32. Officer Feliciano graduated with a certificate indicating completion of the PTC.
33. Upon completion of the PTC police officers are required to complete a one year Working Test Period (WTP).
34. Officer Feliciano's WTP ran from March 22, 2016, through March 22, 2017.
35. Officer Feliciano's regular appointment as an Officer of CCPD became a permanent appointment on March 22, 2017, upon successful completion of the WTP.
36. Officer Feliciano resigned from CCPD effective September 26, 2017, which date is after the WTP and the permanent appointment.
37. Defendant appointed Officer Feliciano September 26, 2017, well within 120 days of his resignation from CCPD.
38. The County of Camden incurred total certified examining, hiring and training costs (certified costs) with respect to the training of Officer Feliciano of \$14,937.00, calculated in accordance with the statute as follows:
- | | |
|--------------------------|--------------------|
| Training Academy Tuition | \$ 750.00 |
| Urinalysis | \$ 45.00 |
| Psychological Exam | \$ 325.00 |
| Medical Exam | \$ 211.90 |
| Salary during training | <u>\$13,605.10</u> |
| Total | \$ 14,937.00 |
39. By the terms of N.J.S.A. 40A: 14-178, 50% of the total of these costs is reimbursable to the County of Camden and that Officer Feliciano sum of (\$7,468.50) remains due and owing.
40. The County of Camden sent an initial demand letter October 10, 2017.

41. A reply via email was received on October 17, 2017, attaching an Offer of Employment.

42. The full balance of \$7,468.50 remains due and owing.

WHEREFORE, Plaintiff, County of Camden, demands judgment against Defendant Galloway Township Police Department as follows:

Declaring that pursuant to N.J.S.A. 40A:14-178, Plaintiff is entitled, to and Defendant is liable for, reimbursement in the amount of \$14,937.00; and,

For such other and further relief as the Court deems just and equitable under the circumstances.

COUNT TWO vs. CITY OF VENTNOR POLICE DEPARTMENT

43. City of Ventnor Police Department, with a principal place of business at 6201 Atlantic Avenue, Ventnor City, NJ, appointed Damian Guanchez to its Police Department:

44. Damian Guanchez was hired April 4, 2016, as a CCPD police officer and trained at the Camden County Police Academy (Academy) from April 4, 2016, through August 25, 2016.

45. Officer Guanchez graduated the Academy with a certificate indicating completion of the basic Police Training Course (PTC).

46. Upon completion of the PTC police officers are required to complete a one year Working Test Period (WTP).

47. Officer Guanchez's WTP ran from August 25, 2016, through August 25, 2017.

48. Officer Guanchez's regular appointment as an Officer of CCPD became a permanent appointment on August 25, 2017, upon successful completion of the WTP.

49. Officer Guanchez resigned from CCPD effective January 28, 2018, which date is more than 30 days after, but within two years of, permanent appointment.

50. Defendant appointed Officer Guanchez on January 28, 2018, well within 120 days of his/her resignation from CCPD.

51. The County of Camden incurred total certified examining, hiring and training costs (certified costs) with respect to the training of Officer Damian Guanchez of \$14,020.10, calculated in accordance with the statute as follows:

Training Academy Tuition	\$ 750.00
Urinalysis	\$ 45.00
Psychological Exam	\$ 450.00
Medical Exam	\$ 211.90
Salary during training	<u>\$12,563.20</u>
Total	\$14,020.10

52. By the terms of N.J.S.A. 40A: 14-178 (b), 50% of the total of these costs plus the costs of the Ballistic Vest of \$1,089.00 is reimbursable to the County of Camden and that Guanchez sum of (\$9,188.05) remains due and owing.

WHEREFORE, Plaintiff, County of Camden, demands judgment against Defendant New Jersey Transit Corporation as follows:

Declaring that pursuant to N.J.S.A. 40A:14-178, Plaintiff is entitled to, and Defendant is liable for, reimbursement in the amount of \$9,188.05; and,

For such other and further relief as the Court deems just and equitable under the circumstances.

COUNT THREE vs. BOROUGH OF CHESILHURST

53. Borough of Chesilhurst Police Department with a principal place of business at 201 Grant Avenue, Waterford Works, NJ, appointed Cathy Ocasio to its Police Department:

54. Cathy Ocasio, who had already completed Special Law Enforcement Officer II (SLEO II) training, was hired October 3, 2016, as a CCPD police officer and attended the shorter

waiver course at the Camden County Police Academy (Academy) from March 1, 2016, through May 19, 2016.

55. Officer Ocasio graduated the Academy with a certificate indicating completion of the basic Police Training Course (PTC).

56. Officer Ocasio resigned on March 2, 2017, which date is during the Working Test Period (WTP) and prior to permanent appointment, which is defined as the date of completion of the WTP.

57. Officer Ocasio resigned from CCPD effective March 3, 2017.

58. Defendant appointed Officer Ocasio on March 2, 2017, well within 120 days of her resignation from CCPD.

59. The County of Camden incurred total certified examining, hiring and training costs (certified costs) with respect to the training of Officer Ocasio of \$17,319.40, calculated in accordance with the statute as follows:

Training Academy Tuition	\$ 500.00
Urinalysis	\$ 45.00
Psychological Exam	\$ 450.00
Medical Exam	\$ 211.90
Salary during training	<u>\$16,112.50</u>
Total	\$ 17,319.40

60. By the terms of N.J.S.A. 40A: 14-178.1, 50% of the total of these costs is reimbursable to the County of Camden and that Ocasio sum of (\$8,659.70) remains due and owing.

WHEREFORE, Plaintiff, County of Camden, demands judgment against Defendant Borough of Chesilhurst as follows:

Declaring that pursuant to N.J.S.A. 40A:14-178.1, Plaintiff is entitled to, and Defendant is liable for, reimbursement in the amount of \$8,659.70; and,

For such other and further relief as the Court deems just and equitable under the circumstances.

COUNT FOUR vs. PINE HILL

61. Borough of Pine Hill Police Department with a principal place of business at 48 W. 6th Avenue, Pine Hill, NJ, appointed Russell Harris as a member of the Pine Hill Police Department on September 9, 2019.
62. Officer Harris who had already completed Special Law Enforcement Officer II (SLEO II) training, was hired January 3, 2017, as a CCPD police officer and attended the shorter waiver course at the Camden County Police Academy (Academy) from January 3, 2017, through March 23, 2017.
63. Officer Harris graduated the Academy with a certificate indicating completion of the basic Police Training Course (PTC).
64. Upon completion of the PTC police officers are required to complete a one year Working Test Period (WTP).
65. Officer Harris' WTP ran from March 23, 2017, through March 23, 2018.
66. Officer Harris' regular appointment as an Officer of CCPD became a permanent appointment on March 23, 2018, upon successful completion of the WTP.
67. Officer Harris resigned from CCPD effective May 22, 2018.
68. Defendant appointed Officer Harris on September 9, 2019, well within 120 days of his resignation from CCPD.
69. The County of Camden incurred total certified examining, hiring and training costs (certified costs) with respect to the training of Officer Harris of \$13,884.40, calculated in accordance with the statute as follows:

Training Academy Tuition	\$ 500.00
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Urinalysis	\$ 45.00
Psychological Exam	\$ 450.00
Medical Exam	\$ 211.90
Salary during training	<u>\$ 12,677.50</u>
Total	\$ 13,884.40

70. By the terms of N.J.S.A. 40A: 14-178.1, 50% of the total of these costs is reimbursable to the County of Camden and that Officer Harris sum of (\$6,942.20) remains due and owing.

71. The County of Camden sent initial demand letters in Harris matter on October 11, 2018.

72. By correspondence dated November 9, 2018, County of Camden confirmed the conversation of Anne E. Walters, Esquire with Dave Patterson, Esquire, counsel for the Borough of Pine Hill, stating that the County amended its request for reimbursement by revising overtime from the salary portion to \$12,677.50, which changed the certified costs to \$13,884.40.

WHEREFORE, Plaintiff, County of Camden, demands judgment against Defendant Borough of Pine Hill as follows:

Declaring that pursuant to N.J.S.A. 40A:14-178.1, Plaintiff is entitled to and Defendant is liable for reimbursement in the amount of \$6,942.20; and,

For such other and further relief as the Court deems just and equitable under the circumstances.

COUNT FIVE vs. BOROUGH OF GIBBSBORO POLICE DEPARTMENT

73. Borough of Gibbsboro Police Department, with a principal place of business at 5 Foster Avenue, Gibbsboro, NJ, appointed Brian Hart to its Police Department:

74. Brian Hart was hired January 3, 2017, as a CCPD police officer and trained at the Camden County Police Academy (Academy) from January 3, 2017, through March 23, 2017.

75. Officer Hart graduated the Academy with a certificate indicating completion of the basic Police Training Course (PTC).
76. Upon completion of the PTC police officers are required to complete a one year Working Test Period (WTP).
77. Officer Hart's WTP ran from March 23, 2017, through March 23, 2018.
78. Officer Hart's regular appointment as an Officer of CCPD became a permanent appointment on March 23, 2018, upon successful completion of the WTP.
79. Officer Hart resigned from CCPD effective September 12, 2018, which date is more than 30 days after, but within two years of, permanent appointment.
80. Defendant appointed Officer Hart on September 12, 2018, well within 120 days of his/her resignation from CCPD.
81. The County of Camden incurred total certified examining, hiring and training costs (certified costs) with respect to the training of Officer Brian Hart of \$17,634.40, calculated in accordance with the statute as follows:

Training Academy Tuition	\$ 500.00
Urinalysis	\$ 45.00
Psychological Exam	\$ 450.00
Medical Exam	\$ 211.90
Salary during training	<u>\$16,427.50</u>
Total	\$17,634.40

82. By the terms of N.J.S.A. 40A: 14-178 (b), 50% of the total of these costs is reimbursable to the County of Camden and that Officer Hart sum of (\$8,817.20) remains due and owing.

WHEREFORE, Plaintiff, County of Camden, demands judgment against Defendant Borough of Gibbsboro as follows:

Declaring that pursuant to N.J.S.A. 40A:14-178, Plaintiff is entitled to and Defendant is liable for reimbursement in the amount of \$8,817.20; and,

For such other and further relief as the Court deems just and equitable under the circumstances.

COUNT SIX vs. LUMBERTON TOWNSHIP POLICE DEPARTMENT

83. Lumberton Township Police Department, with a principal place of business at 35 Municipal Drive, Lumberton, NJ, appointed Darryl Dunham to its Police Department:
84. Darryl Dunham was hired October 3, 2016, as a CCPD police officer and trained at the Camden County Police Academy (Academy) from March 1, 2016, through May 19, 2016.
85. Officer Dunham graduated the Academy with a certificate indicating completion of the basic Police Training Course (PTC).
86. Upon completion of the PTC police officers are required to complete a one year Working Test Period (WTP).
87. Officer Dunham's WTP ran from May 19, 2016, through May 19, 2017.
88. Officer Dunham's regular appointment as an Officer of CCPD became a permanent appointment on May 19, 2017, upon successful completion of the WTP.
89. Officer Dunham resigned from CCPD effective August 27, 2018, which date is more than 30 days after, but within two years of, permanent appointment.
90. Defendant appointed Officer Dunham on August 27, 2018, well within 120 days of his resignation from CCPD.
91. The County of Camden incurred total certified examining, hiring and training costs (certified costs) with respect to the training of Officer Darryl Dunham of \$17,169.40, calculated in accordance with the statute as follows:

Training Academy Tuition	\$ 500.00
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Urinalysis	\$ 45.00
Psychological Exam	\$ 450.00
Medical Exam	\$ 211.90
Salary during training	<u>\$15,962.50</u>
Total	\$17,169.40

92. By the terms of N.J.S.A. 40A: 14-178 (b), 50% of the total of these costs is reimbursable to the County of Camden and that Officer Dunham sum of (\$8,584.70) remains due and owing.

WHEREFORE, Plaintiff, County of Camden, demands judgment against Defendant Lumberton Township as follows:

Declaring that pursuant to N.J.S.A. 40A:14-178, Plaintiff is entitled to and Defendant is liable for reimbursement in the amount of \$8,584.70; and,

For such other and further relief as the Court deems just and equitable under the circumstances.

COUNT SEVEN vs. BOROUGH OF PAULSBORO POLICE DEPARTMENT

93. Borough of Paulsboro Police Department, with a principal place of business at 1211 Delaware Street, Paulsboro, NJ, appointed Paul Iacovoni to its Police Department:

94. Paul Iacovoni was hired January 3, 2017, as a CCPD police officer and trained at the Camden County Police Academy (Academy) from January 3, 2017 through March 23, 2017.

95. Officer Iacovoni graduated the Academy with a certificate indicating completion of the basic Police Training Course (PTC).

96. Upon completion of the PTC police officers are required to complete a one year Working Test Period (WTP).

97. Officer Iacovoni's WTP ran from March 23, 2017, through March 23, 2018.

98. Officer Iacovoni's regular appointment as an Officer of CCPD became a permanent appointment on March 23, 2018, upon successful completion of the WTP.
99. Officer Iacovoni resigned from CCPD effective June 11, 2018, which date is more than 30 days after, but within two years of, permanent appointment.
100. Defendant appointed Officer Iacovoni on June 11, 2018, well within 120 days of his/her resignation from CCPD.
101. The County of Camden incurred total certified examining, hiring and training costs (certified costs) with respect to the training of Officer Paul Iacovoni of \$17,334.40, calculated in accordance with the statute as follows:

Training Academy Tuition	\$ 500.00
Urinalysis	\$ 45.00
Psychological Exam	\$ 450.00
Medical Exam	\$ 211.90
Salary during training	<u>\$16,127.50</u>
Total	\$17,334.40

102. By the terms of N.J.S.A. 40A: 14-178 (b), 50% of the total of these costs is reimbursable to the County of Camden and that Officer Iacovoni sum of (\$8,667.20) remains due and owing.

WHEREFORE, Plaintiff, County of Camden, demands judgment against Defendant Lumberton Township as follows:

Declaring that pursuant to N.J.S.A. 40A:14-178, Plaintiff is entitled to and Defendant is liable for reimbursement in the amount of \$8,667.20; and,

For such other and further relief as the Court deems just and equitable under the circumstances.

COUNT EIGHT vs. MANTUA TOWNSHIP POLICE DEPARTMENT

103. Mantua Township Police Department, with a principal place of business at 405 Main Street, Mantua Township, NJ, appointed Salvator Oldrati to its Police Department:
104. Salvator Oldrati was hired January 3, 2017, as a CCPD police officer and trained at the Camden County Police Academy (Academy) from January 3, 2017, through March 23, 2017.
105. Officer Oldrati graduated the Academy with a certificate indicating completion of the basic Police Training Course (PTC).
106. Upon completion of the PTC police officers are required to complete a one year Working Test Period (WTP).
107. Officer Oldrati's WTP ran from March 23, 2017, through March 23, 2018.
108. Officer Oldrati's regular appointment as an Officer of CCPD became a permanent appointment on March 23, 2018, upon successful completion of the WTP.
109. Officer Oldrati resigned from CCPD effective April 26, 2018, which date is more than 30 days after, but within two years of, permanent appointment.
110. Defendant appointed Officer Oldrati on April 26, 2018, well within 120 days of his/her resignation from CCPD.
111. The County of Camden incurred total certified examining, hiring and training costs (certified costs) with respect to the training of Officer Salvator Oldrati of \$17,634.40, calculated in accordance with the statute as follows:

Training Academy Tuition	\$ 500.00
Urinalysis	\$ 45.00
Psychological Exam	\$ 450.00
Medical Exam	\$ 211.90
Salary during training	<u>\$16,427.50</u>
Total	\$17,634.40

112. By the terms of N.J.S.A. 40A: 14-178 (b), 50% of the total of these costs is reimbursable to the County of Camden and that Officer Oldrati sum of (\$8,817.20) remains due and owing.

WHEREFORE, Plaintiff, County of Camden, demands judgment against Defendant Mantua Township as follows:

Declaring that pursuant to N.J.S.A. 40A:14-178, Plaintiff is entitled to and Defendant is liable for reimbursement in the amount of \$8,817.20; and,

For such other and further relief as the Court deems just and equitable under the circumstances.

DATED: February 3, 2020

CAMDEN COUNTY COUNSEL


JOSEPH T. WALSH, ESQUIRE
ASSISTANT COUNTY COUNSEL

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, JOSEPH T. WALSH, ESQUIRE, is hereby designated as trial counsel on behalf of plaintiff, County of Camden.

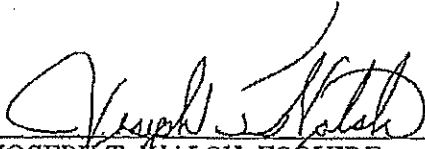
NOTICE OF OTHER ACTIONS

JOSEPH T. WALSH, ESQUIRE, of full age, hereby certifies as follows:

1. The matter in controversy is not the subject of any action pending in any Court or of a pending arbitration proceeding.
2. There are no other known parties who should be joined in the action at this time.

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.

DATED: February 3, 2020



JOSEPH T. WALSH, ESQUIRE
ASSISTANT COUNTY COUNSEL