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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2129-15T3

IN THE MATTER OF ANTONIO
MARTINEZ, CITY OF ASBURY
PARK.

Submitted May 16, 2017 – Decided June 5, 2017

Before Judges Reisner and Summers.

On appeal from the Civil Service Commission,
Docket No. 2016-542.

Feeley & LaRocca, and the Blanco Law Firm,
attorneys for appellant (Pablo N. Blanco, of
counsel and on the brief; John D. Feeley, on
the brief.

Steven S. Glickman, attorney for respondent
City of Asbury Park.

Christopher S. Porrino, Attorney General,
attorney for respondent Civil Service
Commission (Cameryn J. Hinton, Deputy Attorney
General, on the statement in lieu of brief).

PER CURIAM

Antonio Martinez appeals from a December 18, 2015 final decision of the Civil Service Commission, adopting the initial decision of an Administrative Law Judge (ALJ) upholding Martinez's termination from the Asbury Park Police Department. Having

reviewed the record, we affirm, substantially for the reasons stated in the Initial Decision, as adopted by the Commission. We add these comments.

In brief summary, Martinez, an Asbury Park police officer, engaged in a sexual relationship with a female suspect, whom he had arrested on drug charges. Although Martinez initially denied the sexual relationship in an interview with the prosecutor's office, he later admitted it during the police department's disciplinary investigation. Specifically, he admitted that he had sex with the woman while the criminal charges were pending, and again after her criminal case was resolved. Based on his conduct in lying to the prosecutor's office, and having a sexual relationship with a criminal suspect, the ALJ found that Martinez had committed conduct unbecoming a public employee and had violated multiple police department rules. Due to the seriousness of the infractions, the ALJ concluded that termination from employment was warranted, despite Martinez's otherwise unblemished record. The Commission agreed.

Having reviewed the record in light of the applicable legal standards, we find no basis to disturb the Commission's decision. The ALJ's factual findings, which the Commission adopted, are supported by substantial credible evidence. See In re Stallworth, 208 N.J. 182, 194 (2011). The infractions were sufficiently severe

that termination, without following progressive discipline, was appropriate. Id. at 196-97; In re Herrmann, 192 N.J. 19, 33-34 (2007). Moreover, the penalty is not so harsh as to shock our sense of fairness. In re Carter, 191 N.J. 474, 484 (2007).

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION