

# QUINLAN, NIGRO & KEMPF, LLC

COUNSELLORS AT LAW

16 North Centre Street  
Merchantville, New Jersey 08109-2519

Timothy J. P. Quinlan  
Patricia M. Nigro\*  
Robert F. Kempf\*

Of Counsel  
Richard D. Madden\*

\*NJ & PA Bars

March 11, 2014

Clerk, Superior Court of New Jersey  
Appellate Division  
Richard J. Hughes Justice Complex  
PO Box 006  
Trenton, NJ 08625-0006

RE: Don Rambo v. Twp. Of Lower Alloways Creek  
Appeal from Superior Court, Law Division, Salem County  
Docket No. L-25-13  
Our File No. Q-9412-3-14


Dear Clerk:

Enclosed please find an original and copies of Notice of Appeal, Case Information Statement and Transcript Request Form. Also enclosed is a check for \$200 for the filing of the appeal.

Please file and return one copy marked "filed" in the enclosed reply envelope.

Sincerely yours,

QUINLAN, NIGRO & KEMPF, LLC

  
BY: TIMOTHY J. P. QUINLAN

Enclosure

cc: Hon. Georgia M. Curio (w/enc.)  
Clerk, Salem County Law Division (w/enc.)  
Elizabeth Garcia, Esq. (w/enc.)  
Don Rambo (w/enc.)



**New Jersey Judiciary  
Superior Court - Appellate Division  
NOTICE OF APPEAL**

|   |  |  |       |       |                         |
|---|--|--|-------|-------|-------------------------|
| Type or clearly print all information. Attach additional sheets if necessary. |  | ATTORNEY / LAW FIRM / PRO SE LITIGANT                          |       |       |                         |
| TITLE IN FULL (AS CAPTIONED BELOW):<br>Donald Rambo, plaintiff                |  | NAME<br>Timothy J.P. Quinlan, Esq./ Quinlan Nigro & Kempf, LLC |       |       |                         |
|   |  | STREET ADDRESS<br>16 N. Centre St.                             |       |       |                         |
| v<br>Township of Lower Alloways Creek, Defendant                              |  | CITY   | STATE | ZIP   | PHONE NUMBER            |
|   |  | Merchantville  | NJ    | 08109 | <del>609.884.1234</del> |
|   |  | EMAIL ADDRESS  |       |       |                         |

|  |   |   |
|--|---|---|
| ON APPEAL FROM                             |   |   |
| TRIAL COURT JUDGE<br>Georgia M. Curjo, JSC | TRIAL COURT OR STATE AGENCY<br>Salem County, Law Division | TRIAL COURT OR AGENCY NUMBER<br>L-25-13 |

Notice is hereby given that Plaintiff Donald Rambo appeals to the Appellate Division from a  Judgment or  Order entered on January 30, 2014 in the  Civil  Criminal or  Family Part of the Superior Court or from a  State Agency decision entered on \_\_\_\_\_.

If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.

Have all issues, as to all parties in this action, before the trial court or agency been disposed of? (In consolidated actions, all issues as to all parties in all actions must have been disposed of.)  Yes  No

If not, has the order been properly certified as final pursuant to R. 4:42-2?  Yes  No

For criminal, quasi-criminal and juvenile actions only:

Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed:

This appeal is from a  conviction  post judgment motion  post-conviction relief.

If post-conviction relief, is it the  1st  2nd  other \_\_\_\_\_  
specify

Is defendant incarcerated?  Yes  No

Was bail granted or the sentence or disposition stayed?  Yes  No

If in custody, name the place of confinement:

Defendant was represented below by:

Public Defender  self  private counsel \_\_\_\_\_  
specify

Notice of appeal and attached case information statement have been served where applicable on the following:

|  | Name                  | Date of Service |
|--|-----------------------|-----------------|
| Trial Court Judge  | Hon. Georgia M. Curio | 3/11/14         |
| Trial Court Division Manager   |                       |                 |
| Tax Court Administrator  |                       |                 |
| State Agency   |                       |                 |
| Attorney General or Attorney for other Governmental body pursuant to R. 2:5-1(a), (e) or (h) |                       |                 |

Other parties in this action:

| Name and Designation        | Attorney Name, Address and Telephone No.  | Date of Service |
|-----------------------------|---|-----------------|
| Twp of Lower Alloways Creek | Elizabeth M. Garcia, Esq.<br>Parker McCay<br><br>9000 Midlantic Dr., Suite 300, PO Box 5054, Mt. Laurel, NJ 08054 | 3/11/14         |

Attached transcript request form has been served where applicable on the following:

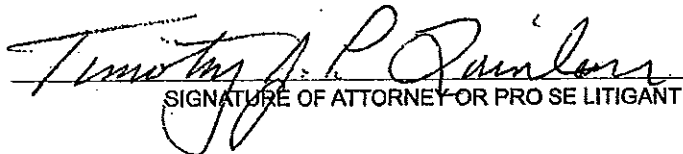
|                                | Name                                     | Date of Service | Amount of Deposit |
|--------------------------------|--|-----------------|-------------------|
| Trial Court Transcript Office  | Clerk, Superior Court, Gloucester County | 3/11/14         | \$500             |
| Court Reporter (if applicable) |  |                 |                   |
| Supervisor of Court Reporters  |  |                 |                   |
| Clerk of the Tax Court         |  |                 |                   |
| State Agency                   |  |                 |                   |

Exempt from submitting the transcript request form due to the following:

- No verbatim record.
- Transcript in possession of attorney or pro se litigant (four copies of the transcript must be submitted along with an electronic copy).  
List the date(s) of the trial or hearing:
- Motion for abbreviation of transcript filed with the court or agency below. Attach copy.
- Motion for free transcript filed with the court below. Attach copy.

I certify that the foregoing statements are true to the best of my knowledge, information and belief. I also certify that, unless exempt, the filing fee required by N.J.S.A. 22A:2 has been paid.

March 10, 2014  
DATE

  
SIGNATURE OF ATTORNEY OR PRO SE LITIGANT



**New Jersey Judiciary  
Superior Court - Appellate Division  
COURT TRANSCRIPT REQUEST**

Please type or clearly print all information.

**Instructions:**

1. Complete all information
2. File a separate request for each court reporter or court clerk who recorded a portion of the proceeding
3. Attach the Appellate Division or Supreme Court Clerk's copy to the Notice of Appeal (R. 2:5-1(f))
4. Attach transcript fee.

|  |   |
|--|---|
| PLAINTIFF(S)<br><p align="center">Donald Rambo</p> <p align="center">v.</p> <p align="center">Township of Lower Alloways Creek</p> | TRIAL COURT DOCKET NUMBER<br><p align="center">L-25-13</p>  |
| DEFENDANT(S)   | COUNTY / COURT<br><p align="center">Salem, Law Division</p> |

|                           |               |              |  |
|---------------------------|---------------|--------------|--|
| <b>REQUESTING PARTY</b>   |               |              |  |
| NAME                      | EMAIL ADDRESS | PHONE NUMBER |  |
| Timothy J.P. Quinlan Esq. | [REDACTED]    | [REDACTED]   |  |
| ADDRESS                   |               |              |  |
| 16 N. Centre St.          |               |              |  |
| CITY                      | STATE         | ZIP          |  |
| Merchantville             | NJ            | 08109        |  |

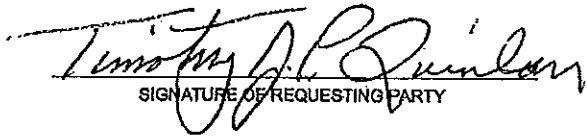
**TO** NAME / ADDRESS (COURT REPORTER or COURT CLERK (if sound recorded))

Clerk, Superior Court  
Law Division  
Gloucester County  
70 Hunter Street  
Woodbury, NJ 08096

It is hereby requested that you prepare for use on (check one)  appeal  non-appeal\* an original and \_\_\_\_\_ copies of the following:

|                    |  |                    |
|--------------------|--|--------------------|
| DATE OF PROCEEDING | TYPE OF PROCEEDING (e.g., trial, sentencing, motion, etc.) | NAME OF JUDGE      |
| January 16, 2014   | oral argument on motion                                    | Hon. Georgia Curio |

I agree to pay for the preparation and any copies ordered of the transcript(s) for the above date(s) pursuant to R. 2:5-3(d).

|  |  |
|--|--|
| <br>SIGNATURE OF REQUESTING PARTY | <p align="center"><i>March 10, 2014</i></p> DATE |
|--|--|

Transcript fees are set by New Jersey Statute 2B:7-4. An additional sum or reimbursement may be required prior to or at the completion of the transcript order.

**DEPOSIT ATTACHED: \$ 500-**

\* Only the Supervisor of Court Reporters should receive copies of non-appeal transcript requests.

- CC:**
1. CLERK, Appellate Division, or CLERK, Supreme Court (see INSTRUCTIONS above)
  2. Supervisor of Court Reporters \_\_\_\_\_
  3. Trial Court Transcript Office \_\_\_\_\_
  4. Other attorneys / Pro Se parties \_\_\_\_\_



**New Jersey Judiciary  
Superior Court - Appellate Division  
CIVIL CASE INFORMATION STATEMENT**

Please type or clearly print all information.

**TITLE IN FULL**

Donald Rambo, plaintiff v. Township of Lower Alloways Creek, defendant

**TRIAL COURT OR AGENCY DOCKET NUMBER**

Superior Court of NJ, Law Division, Salem County  
Docket No. L-25-13

■ Attach additional sheets as necessary for any information below.

**APPELLANT'S ATTORNEY EMAIL ADDRESS:**

PLAINTIFF  DEFENDANT  OTHER (SPECIFY)

**NAME**

Timothy J.P. Quinlan, Esq.

**CLIENT**

Donald Rambo

**STREET ADDRESS**

16 N. Centre St.

**CITY**

Merchantville

**STATE**

NJ

**ZIP**

08109

**TELEPHONE NUMBER**

[REDACTED]

**RESPONDENT'S ATTORNEY \* EMAIL ADDRESS:**

**NAME**

Elizabeth Garcia, Esq.

**CLIENT**

Twp of Lower Alloways Creek

**STREET ADDRESS**

9000 Midlantic Dr. Suite 300, PO Box 5054

**CITY**

Mt.Laurel

**STATE**

NJ

**ZIP**

08054

**TELEPHONE NUMBER**

[REDACTED]

\* Indicate which parties, if any, did not participate below or were no longer parties to the action at the time of entry of the judgment or decision being appealed.

**GIVE DATE AND SUMMARY OF JUDGMENT, ORDER, OR DECISION BEING APPEALED AND ATTACH A COPY:**

January 30, 2014; Hon. Georgia M. Curio upheld imposition of two day suspension of a police officer; decision was based on her review of the hearing officer determination but there was no record from below for her to review. The order was January 30, 2014 was also a denial of a request for a remand by plaintiff.

Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees?

YES  NO

If so, has the order been properly certified as final pursuant to R. 4:42-2? (If not, leave to appeal must be sought. R. 2:2-4, 2:5-6)

YES  NO

(If the order has been certified, attach, together with a copy of the order, a copy of the complaint or any other relevant pleadings and a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.)

Were any claims dismissed without prejudice?

YES  NO

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(h))

YES  NO

**GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:**

Plaintiff, police officer in non-civil service community, was served with notice of discipline for failure to do proper background checks on firearms purchaser cards. A hearing was requested and held, and Hearing Officer imposed a letter of reprimand. No recording was made of the hearing and no transcript was available. Township Committee chose to increase penalty to two days. Plaintiff filed suit in lieu of prerogative writ and requested hearing de novo before trial court. Plaintiff then filed a motion seeking to overturn the Township since the Twp's ordinance did not say whether the hearing officer's decision was final or advisory. Judge held it was advisory and at the same time decided she would uphold the two day suspension. Plaintiff pointed out that deciding to uphold the suspension was inappropriate since Judge did not have record to review, thus against the trial de novo language of the appropriate statute. Plaintiff requested a remand. Judge gave parties opportunity to brief the matter and heard oral argument; she denied remand request and upheld the discipline.

TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THE APPEAL AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R. 2:6-2(a)(5). (Appellant or cross-appellant only.):

1. In suit in lieu of prerogative writ brought by a police officer in a non-civil service community seeking review of imposed discipline, did trial court abuse discretion in failing to remand where only record before trial court was the hearing officer's recommendation and there was no written transcript or audio file of the disciplinary hearing itself?

2. Did the trial court err in construing a penal statute to give the township committee final authority in the matter in the absence of a specific retention of that authority by ordinance?

IF YOU ARE APPEALING FROM A JUDGMENT ENTERED BY A TRIAL JUDGE SITTING WITHOUT A JURY OR FROM AN ORDER OF THE TRIAL COURT, COMPLETE THE FOLLOWING:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? \_\_\_\_\_  YES  NO

2. Did the trial judge issue written findings or an opinion? If so, on what date? \_\_\_\_\_  YES  NO

3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(b)?  YES  NO

Caution: Before you indicate that there were neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(b).

DATE OF YOUR INQUIRY: March 10, 2014

1. IS THERE ANY APPEAL NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:

(A) Arises from substantially the same case or controversy as this appeal?  YES  NO

(B) Involves an issue that is substantially the same, similar or related to an issue in this appeal?  YES  NO

2. WAS THERE ANY PRIOR APPEAL INVOLVING THIS CASE OR CONTROVERSY?  YES  NO

IF THE ANSWER TO EITHER 1 OR 2 ABOVE IS YES, STATE:

Case Name:

Appellate Division Docket Number:

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

State whether you think this case may benefit from a CASP conference.  YES  NO

Explain your answer:

The main issue is a legal one as to what constitutes de novo review on the record, and there does not seem to be any area of either party to "give ground" for any settlement.

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).

Donald Rambo

Name of Appellant or Respondent

Timothy J.P. Quinlan, Esq.

Name of Counsel of Record  
(or your name if not represented by counsel)

March 10, 2014

Date

Timothy J.P. Quinlan

Signature of Counsel of Record  
(or your signature if not represented by counsel)

**RECEIVED & FILED**

**JAN 30 2014**

**SUPERIOR COURT OF NEW JERSEY  
SALEM COUNTY CIVIL PART**

File No. 14334-0005

Law Offices  
**PARKER McCAY P.A.**  
Elizabeth M. Garola, Esquire  
Attorney No. 15562000  
9000 Midlantic Drive, Suite 300  
P.O. Box 5054  
Mount Laurel, New Jersey 08054

Attorneys for Defendant, Township of Lower Alloways Creek

**DONALD RAMBO,**

Plaintiff,

v.

**TOWNSHIP OF LOWER ALLOWAYS  
CREEK,**

Defendant(s).

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
SALEM COUNTY**

**DOCKET NO. L-25-13**

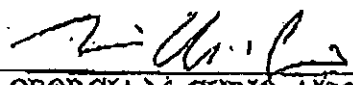
**CIVIL ACTION**

**FINAL ORDER**

THIS OPPOSED MATTER having been brought before the Court upon appeal by the Quinlan, Nigro & Kempf, LLC (Timothy Quinlan, Esquire appearing) for Plaintiff, Donald Rambo, to enforce a hearing officer's disciplinary recommendation instead of a two day suspension imposed by the Defendant, Lower Alloways Creek Township, having appeared through its attorneys Parker McCay, P.A. (Elizabeth M. Garola, Esquire appearing), and the Court having read and considered all submissions, the arguments of counsel, and for good cause shown;

IT IS on this 30th day of January, 2014 ORDERED that the imposition of a two-day suspension on Plaintiff, Donald Rambo by Defendant, Township of Lower Alloways Creek Township is upheld/affirmed.

**IT IS FURTHER ORDERED** that Defendant is directed to serve a conformed copy of this executed Order upon all Counsel of record within ten (10) days of receipt

  
\_\_\_\_\_  
HON. GEORGIA M. CURIO, AJSC