

[Empty box]

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

33 Washington Street
Newark, NJ 07102
(973) 648-7136

9 Quakerbridge Plaza / PO Box 049
Trenton, NJ 08625-0049
609-689-4028

FILED CLERKS OFFICE

2015 MAY 21 P 1:29

FROM:

New Jersey State Police, Office of Professional Standards

NAME OF AGENCY

810 Bear Tavern Road - Suite 310
West Trenton, NJ 08628

ADDRESS

Lt. Mark Santiago #5785

TRANSMITTING OFFICER

609-883-5149

TELEPHONE NUMBER

07406-15

STATE OF NEW JERSEY
OFFICE OF ADMIN. LAW
POL

.....
OAL OFFICIAL USE

COUNTY

Mercer

*

JURISDICTION

South

*

THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED:

1. Nature of the case. Please include references

to statutes or rules and briefly summarize the facts and law involved. Attach pleadings to this form.

2. Estimated time required for hearing.

3. Legal requirements (State or Federal) mandating a date for Agency Decision:

4. Is a court stenographer requested?

5. Special features to be anticipated in this matter, i.e., emergent relief, discovery motions, prehearing conference, conference hearing, remand, expedited hearings, location (county).

6. Is a barrier-free location needed?

7. Have the attached documents been exchanged between the parties?

8. Names of other agencies claiming jurisdiction over transmitted dispute:

v. A/DSFC Kenneth Franco #5053

Name of Contested Case or Short Title
2012-0083

Agency Docket / Reference Number/Discrimination
Case N.J.S.A. 34:6A-45b and N.J.A.C. 12:110-7

Violation of Article VI Section 2.b., Article XIII Section 19.b., Article XIII Section 19.d, Article V Section 8 and Article IV Section 3.b. of the New Jersey State Police Rules and Regulations.

3 Days(s) or Hours

Yes No If yes, please specify requirements and citation :

Yes No

Yes No Uncertain

Yes No If no, the documents shall be served on or offered to the parties on:

NONE

Transmitting officer or other agency personnel to receive notices of hearing etc., pursuant to N.J.A.C. 1:1-8.2 (a) 13. This person need not be served by the parties with motions, correspondence, etc.

Lt. Mark Santiago #5785
NJ State Police
810 Bear Tavern Road – Suite 310
West Trenton, NJ 08628
PHONE #: (609) 883-5149 FAX:
E-MAIL ADDRESS: LPP5785@gw.njsp.org

SERVICE LIST

Parties Named in this Proceeding and their Representatives

For additional parties, attach names, addresses and telephone numbers of each party linked with that representative if any.

#1. PETITIONER

A/DSFC Kenneth Franco #5053
New Jersey State Police
PO Box 7068
West Trenton, NJ 08628
TELEPHONE # 609-882-2000
FAX :
E-MAIL ADDRESS:

PETITIONER REPRESENTATIVE

David J. Azotea, Esq.
3030 Atlantic Avenue
Atlantic City, NJ 08401-6380
TELEPHONE # 609-348-1300
FAX : 609-347-1166
E-MAIL ADDRESS: dazotea@levinestaller.com

#2. RESPONDENT

New Jersey State Police
Office of Professional Standards
PO Box 7068
West Trenton, NJ 08628
TELEPHONE # 609-883-5149
FAX : 609-883-6598
E-MAIL ADDRESS:

RESPONDENT REPRESENTATIVE

DAG Victor DiFrancesco
Office of Law Enforcement Professional Standards
25 Market Street, PO Box 080
Trenton, NJ 08625
TELEPHONE # 609-341-3228
FAX :
E-MAIL ADDRESS:
Victor.DiFrancesco@lps.state.nj.us

#3. OTHER

OTHER REPRESENTATIVE

TELEPHONE #
FAX :
E-MAIL ADDRESS:

TELEPHONE
FAX :
E-MAIL ADDRESS:

#4. OTHER

OTHER REPRESENTATIVE

TELEPHONE #
FAX :
E-MAIL ADDRESS:

TELEPHONE #
FAX :
E-MAIL ADDRESS:

(Please attach additional sheets for contacts as necessary and indicate representation)

STATE OF NEW JERSEY
 DIVISION OF STATE POLICE
 DIVISION HEADQUARTERS, WEST TRENTON, N.J.

**GENERAL
 DISCIPLINARY HEARING RECORD**

PART I	CHARGES	2012-0083
		5/14/2015 (Date)

To: The Superintendent of State Police

I, Mark Santiago #5785, Lieutenant of OPS / Intake and Adjudication Bureau
(Accuser) (Rank) (Assignment)

of the Division of State Police, do hereby charge that Kenneth Franco No: 5053
(Member) (Badge)

Acting Detective Sergeant First Class / Administrative Absence of the Division of State Police, did violate on
(Rank and Assignment)

Various Dates Between
 Date December 2011 and April 25, 2014, the Rules and Regulations of the New Jersey State Police, in that said member

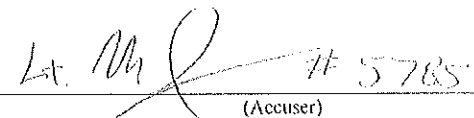
1. Did violate Article VI Section 2.b. of said Rules and Regulations, to wit;
See Attached Charges and Specifications

2. Did violate Article XIII Section 19.b. of said Rules and Regulations, to wit;
See Attached Charges and Specifications

3. Did violate Article XIII Section 19.d of said Rules and Regulations, to wit;
See Attached Charges and Specifications
4. Did violate Article V, Section 8., of said Rules and Regulations, to wit; See Attached C&S
5. Did violate Article IV, Section 3.b., of said Rules and Regulations, to wit; See Attached C&S

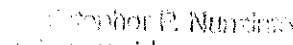
State of New Jersey }
 County of Mercer } §§

Lt. Mark Santiago #5785 being duly sworn according to law, under oath deposes and says that upon personal knowledge of information and belief the foregoing charges are true.

(Signed)  # 5785
(Accuser)
Lt. / A.I.P.U. / OPS
(Rank and Assignment)

Sworn and subscribed to before me this Fourteenth day of May, 2015


(Notary Public)


 Attorney at Law
 State of New Jersey

PART II

LIST OF WITNESSES

2012-0083

Witnesses - Prosecution:
Various NJSP personnel and others to be determined.

Witnesses - Defense:

Documents, reports, depositions and written statements:
Complete discovery package reference 2012-0083, including attachments.

PART III

ORDER TO SERVE CHARGES

New Jersey State Police, Headquarters, West Trenton, N.J.

Date May 14, 2015

TO: Lt. Mark Santiago #5785

OPS 810 Bear Tavern Road, West Trenton, NJ 08628

(Place)

I. Forwarded for service of charges.

BY ORDER OF THE SUPERINTENDENT:

(Signed)

[Signature]

Major / Commanding Officer / OPS

(Rank and Assignment)

PART IV

CERTIFICATION OF SERVICE OF CHARGES

I have on May 14, 20 15, served copy of charges and order personally or by leaving same with N/A person over 14 years of age at

N/A or by registered mail directed to

(Address)

N/A the Accused's last known address.

(Address)

Served in the presence of

(Signed) DSFC #5591
DSFC / AIPU / OPS

(Signed)

Lt. Mark Santiago #5785

Lt. / AIPU / OPS

(Rank and Assignment)

PART V

RESPONSE TO CHARGES

2012-0083

Date: 5/18, 2015

To: Superintendent, New Jersey State Police, West Trenton, N.J. 08628-0068

SIR: As required by Article 11 Section 7 of the State Police Rules and Regulations, I hereby supply the following information.

A. Counsel retained Yes No

Counsel's Name DAVID J. AZOTEA

Address 3030 ATLANTIC AVENUE, ATLANTIC CITY, NJ 08401

Phone No. 609 348 1300

B. I do do not desire to have a member serve as defense counsel.

(Please enter the name of such member.) _____

C. I do do not intend to call witnesses. (Please supply name, address and phone number of all such witnesses on separate sheet and enclose.) * TO BE PROVIDED

D. I do do not request Division Records. (Please identify any records requested on separate sheet and enclose.) * TO BE PROVIDED

E. I hereby enter the following plea.

NOT GUILTY

GUILTY

(Signed) _____

[Signature]

DSFC ADMIN ABS

(Rank and Assignment)

Hearing Date Scheduled: to be set

GENERAL DISCIPLINARY HEARING
Acting Detective Sergeant First Class Kenneth Franco #5053

CHARGES AND SPECIFICATIONS REFERENCE INTERNAL INVESTIGATION
2012-0083

CHARGE #1:

Violation of Article VI, Section 2.b, of the Rules and Regulations of this Division which reads:

No member shall act or behave in an unofficial or private capacity to the personal discredit of the member or to the discredit of the Division.

CHARGE #2:

Violation of Article XIII, Section 19.b., of the Rules and Regulations of this Division, which reads:

A member shall treat as confidential, unless the contrary is specifically authorized by competent Division authority, any matters or information which pertain to the Division, its operations, investigations or internal procedures.

More specifically,

S.O.P. B6, Section VI, Paragraph C.2.a, which reads:

Members of the New Jersey State Police shall not provide information on any matters pertaining to New Jersey State Police operations, investigations, internal procedures, or confidential information regarding state police personnel, unless specifically authorized by the OPI.

CHARGE #3:

Violation of Article XIII, Section 19.d., of the Rules and Regulations of this Division, which reads:

A member shall release such information which pertains to the Division as may from time to time be authorized by competent Division authority to any person or to the news media upon request.

More specifically,

S.O.P. B6, Section III, Paragraph B.8., which reads:

Non-Routine Information: Information which shall be forwarded to the OPI for release to the media is hereby defined to include the following incidents: inquiries about policies, procedures, personnel, etc.

The above listed charges are supported by the following specification.

SPECIFICATION #1:

From March 11, 2012 to March 16, 2012, Acting Detective Sergeant First Class Kenneth Franco #5053, acted to his personal discredit and to the discredit of the Division by discussing non-routine State Police business with members of the news media without notifying the Division. Specifically, he communicated with members of the media and assisted Detective II Georgina Sirakides #6689 and former Division member Victor Cooper #4955, in the release of photographs of Trooper II Kenneth Sirakides #6654 and other enlisted members holding a Puerto Rican flag during a drug seizure. In addition, he provided information to members of the media regarding Tpr. II K. Sirakides involvement in a Velocity Sports Performance internet video. A review of call logs and text messaging, which were obtained by a communications data

warrant from Det. II Georgina Sirakides' Blackberry cellular phone, revealed a pattern of calls between A/DSFC Franco, media reporters, Mr. Cooper, and Det. II Georgina Sirakides during the time period surrounding the release of the photographs to the FOX 29 News on March 12, 2012 and the subsequent broadcast of the photographs on March 13, 2012. On April 25, 2014, A/DSFC Franco provided a formal statement to OPS investigators in which he acknowledged communicating with members of the media during this time period, however, he did not provide details regarding the information discussed in these communications.

CHARGE #4:

Violation of Article V, Section 8., of the Rules and Regulations of this Division which reads:

A member shall communicate promptly through the Division chain of command all crimes, breaches of the peace, suicides, attempted suicides, fires, accidents, complaints, misconduct, or other information of which the Division takes cognizance, that may come to the member's attention, during the performance of such member's duty. A member shall not withhold any information on such matters for any reason.

More specifically,

Standing Operating Procedure (S.O.P.) B10, Section IV., Paragraph A., which states:

Reportable incidents include but are not limited to the following: A complaint that a member has engaged in any form of misconduct whether on or off-duty.

The above listed charge is supported by the following specifications.

SPECIFICATION #1:

In December 2011, Acting Detective Sergeant First Class Kenneth Franco #5053, failed to notify the Division of the alleged misconduct of Trooper II Kenneth Sirakides #6654 and other enlisted members. Specifically, A/DSFC Franco did not report his knowledge of misconduct contained within printed journal entries and letters authored by Tpr. II K. Sirakides which were provided to him by Detective II Georgina Sirakides #6689, who had obtained these documents by accessing Tpr. II K. Sirakides personal Hotmail electronic mail account. On April 25, 2014, A/DSFC Franco provided a formal statement to OPS investigators in which he acknowledged he read the journal entries and letters authored by Tpr. II K. Sirakides and admitted he failed to report the misconduct they documented. In addition, A/DSFC Franco failed to notify the Division of his knowledge that Det. II G. Sirakides was communicating with members of the media regarding non-routine State Police business in March 2012.

CHARGE #5:

Violation of Article IV, Section 3.b, of the Rules and Regulations of this Division which reads, in part:

A member shall not willfully disobey any lawful verbal or written order of any superior commissioned officer, superior non-commissioned officer, or other member placed by competent authority in a position of supervision over such member.

More Specifically:

Standing Operating Procedure (S.O.P.) B10, Section XI, Paragraph D, which reads:


All members of the Division are obligated to answer questions and provide full and complete information to investigating officers during internal investigations. Less than complete candor during any statement may lead to serious disciplinary sanctions, which may include suspension or termination.

The above listed charges are supported by the following specification.

SPECIFICATION #1:

On January 28, 2014 and April 25, 2014, Acting Detective Sergeant First Class Kenneth Franco #5053, acted to his personal discredit when he refused to answer direct questions by OPS investigators regarding his alleged misconduct during his two principal interviews. Specifically, DSFC Franco was uncooperative with OPS investigators and refused to answer or provided less than complete information to questions posed to him, claiming these questions were irrelevant, inappropriate, beyond the scope of the investigation or occurred too long ago for him to remember. In addition, A/DSFC Franco walked out of his initial interview on January 28, 2014, prior to its completion or being excused. In addition, A/DSFC Franco asserted that Detective II Georgina Sirakides #6689 presented to him a 2010 joint tax return filed by her and Trooper II Kenneth Sirakides #6654 and that he observed the email kensirakides1@hotmail.com documented on it. This assertion was contradicted by a review of the actual 2010 joint tax return which did not have the Hotmail account documented.

DATE: 4/24/15



Joseph R. Fuentes
Colonel
Superintendent

Date Served To Member: 5/14/15