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Acting Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Marriage and Family Therapy Examiners
Alcohol and Drug Counselor Committee
124 Halsey Street, 6th Floor, Newark, NJ 07102



PETER C. HARVEY
Attorney General

KIMBERLY S. RICKETTS
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P.O. Box 45040
Newark, NJ 07101
(973) 504-6582

Regular and Certified Mail

August 8, 2005

Sy Livingston
61 Mission Street
Montclair, New Jersey 07042

Dear Mr. Livingston:

Enclosed is a Provisional Order of Denial of Certification (the "POD") filed August 8, 2005 with the Alcohol and Drug Counselor Committee (the "Committee") of the State Board of Marriage and Family Therapy Examiners. As the POD states, the Order will become final on the 30th business day following the entry hereof unless the applicant requests a modification or dismissal of the Finding of Facts contained within the POD.

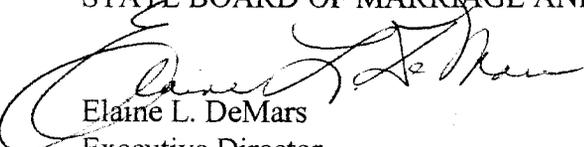
The POD includes specific Findings of Fact and Conclusions of Law. You should carefully review the enclosed Order and you may seek the advice of an attorney. The Findings of Fact and Conclusions represent only allegations and a proposed determination of legal liability. If you deem there to be material facts in dispute, please indicate in your response the specific facts you believe are in dispute. In the event that your submission establishes a need for further consideration, a hearing may be scheduled.

Should you have any questions, please call Deputy Attorney General Susan Berger at 973-648-4876. While the document enclosed is a public record at this juncture, anyone who inquires will be advised that the contents at this time, are not final, and thus are only allegations.

If you fail to respond to the POD, or fail to submit materials or a written argument which warrants an appearance, the Committee will move to finalize the POD in accordance with the time frame set forth in the POD. After the Final Order of Denial is filed, you will be served with a copy of the Final Order.

Sincerely,

ALCOHOL AND DRUG COUNSELOR COMMITTEE
STATE BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS


Elaine L. DeMars
Executive Director

Enclosure

c: Susan Berger, D.A.G.
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Counselor Committee of the New Jersey
State Board of Marriage and Family
Therapy Examiners

By: Susan C. Berger
Deputy Attorney General
Tel. (973) 648-4876

FILED
8/8/05
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
ALCOHOL AND DRUG COUNSELOR COMMITTEE

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ALCOHOL AND DRUG COUNSELOR COMMITTEE
OF THE STATE BOARD OF MARRIAGE AND
FAMILY THERAPY EXAMINERS

IN THE MATTER OF THE :
APPLICATION OF : Administrative Action
: :
SYLVESTER LIVINGSTON :
: **PROVISIONAL ORDER OF DENIAL**
FOR CERTIFICATION TO PRACTICE : **OF CERTIFICATION**
ALCOHOL AND DRUG COUNSELING :
IN THE STATE OF NEW JERSEY :

This matter was opened before the Alcohol and Drug Counselor Committee of the New Jersey State Board of Marriage and Family Therapy Examiners (hereinafter "the Committee"), upon receipt of a completed application from Sylvester Livingston for certification as an Alcohol and Drug Counselor. The Committee has reviewed the application for certification, all relevant documentation submitted and the applicant's January 13, 2005 testimony before the Committee and makes the following preliminary findings of fact and conclusions of law:

FINDINGS OF FACT

1. Sylvester Livingston submitted an application for certification as an alcohol and drug counselor on or about August 23, 2004. As part of his application, the applicant responded "Yes" to

a question regarding whether he had been convicted of any criminal offense. If the answer is "Yes", the application requests that the applicant provide a copy of the judgment of conviction and a release from parole or probation and a complete explanation. Sylvester Livingston answered the question "Yes" but failed to provide the supporting documentation. (Annexed as Exhibit A is the question and the answer.)

2. On or about November 15, 2004 the Committee sent Mr. Livingston a letter with a copy of his Criminal History Background requesting a notarized statement explaining the facts and circumstances of each arrest. (Annexed as Exhibit B is the Committee's letter to Mr. Livingston.)

3. On or about November 19, 2004, the Committee received the applicant's explanation of his criminal history and copies of documents relating to the applicant's arrests and conviction. He stated he had plead guilty to contributing to the delinquency of a minor in 1966 when he was 19 years old, heroine possession in 1969, and official misconduct and extortion in his social work position with the Department of Welfare in 1981. (Annexed as Exhibit C is the applicant's letter of November 19, 2004 to the Committee.)

4. During his testimony before the Committee on January 19, 2005 he admitted that he had been convicted of the crime of official misconduct and extortion while working for the Department of Welfare. However, the applicant failed to accept responsibility for the crimes and failed to demonstrate remorse. (Annexed as Exhibit D is a copy of the transcript of the applicant's testimony on January 13, 2005, pages 15 through 16.)

5. The Committee also received information from one of the applicant's employers that he was not hired after completing the probation period. Further, the Committee received information from

his most recent employer, Community Education Center that on August 10, 2004 Mr. Livingston threatened his clients, stating that if they put their hands on him, "that the D.O.C. was not big enough to hide them that America was not big enough to hide them. He stated that he would kill him and there [sic] family." (Annexed as Exhibit E is a redacted copy of the Special Report.)

6. Mr. Livingston testified that he had a work incident at Community Education Center which resulted in his resignation. He asserted that he did not recall verbatim what he said and that some of his clients misunderstood what he said. Mr. Livingston testified that the Community Education Center gave him an ultimatum to either resign or be fired and therefore he resigned. (Exhibit D pages 8 through 11).

7. Presently the applicant is unemployed and has been unemployed since the date of his application.

8. Although the applicant has been in the counseling field for approximately thirty (30) years, he has had many very short term positions. When queried about his employment history he did not have sufficient explanation for the short term nature of his positions.

CONCLUSIONS OF LAW

The applicant's conviction for official misconduct and extortion provides grounds for the denial of a certification to practice alcohol and drug counseling as it constitutes the use of dishonesty, fraud or deception pursuant to N.J.S.A. 45:1-21(b), professional misconduct in violation of N.J.S.A. 45:1-21(e) and conviction of a crime of moral turpitude relating adversely to the profession of alcohol and drug counseling in violation of N.J.S.A. 45:1-21(f). Additionally, applicant's conduct which resulted in his resignation

constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e).

DISCUSSION

As the legislature has stated, the profession of alcohol and drug counseling profoundly affects the lives and public safety of the people of the State of New Jersey. N.J.S.A. 45:2D-2. Therefore the public interest requires the establishment of professional licensing and certification standards to protect the citizens of the State. Licensing and certification provides assurance that professionals engaged in alcohol and drug counseling meet acceptable standards of education, experience, ethics and competency in practice which promotes quality treatment and rehabilitation for drug and alcohol abusers.

Although this crime occurred more than twenty (20) years ago, the applicant has failed to demonstrate sufficient evidence of rehabilitation or remorse at this time. The Committee is also concerned by the applicant's history of short term periods of employment, and his recent resignation from employment following his inappropriate and threatening remarks to his clients. Absent any information to the contrary to certify such an applicant would be an abdication of the Committee's responsibility to protect the public, especially the vulnerable population recovering from alcohol and drug addiction who require supportive, trustworthy and competent counselors.

ACCORDINGLY, IT IS on this _____ day of _____ 2005,

ORDERED that:

1. Applicant's certification to practice alcohol and drug counseling in the State of New Jersey be and hereby is provisionally denied.
2. The Committee shall not entertain an application for certification from the applicant for a period of one year. Such

application shall affirmatively demonstrate clear and convincing evidence of rehabilitation, additional education and evidence of competence to practice alcohol and drug counseling. In determining whether a person has affirmatively demonstrated rehabilitation, the following factors shall be considered:

a. the nature and responsibility of the position which the convicted person would hold, has held or currently holds, as the case may be;

b. the nature and seriousness of the offense;

c. the circumstances under which the offense occurred;

d. the date of the offense;

e. the age of the person when the offense was committed;

f. whether the offense was an isolated or repeated incident;

g. any social conditions which may have contributed to the offense; and

h. any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in corrections work-release programs, or the recommendation of those who have had the person under their supervision.

3. The within Order shall be subject to finalization by the Committee at 5:00 p.m. on the 30th business day following entry hereof unless the applicant requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a. Submitting a written request for modification or dismissal to Elaine DeMars, Executive Director, Alcohol and Drug

Counselors Committee of the State Board of Marriage and Family Therapy Examiners, P.O. Box 45040, Newark, New Jersey 07101;

b. Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed;

c. Submitting any and all documents or other written evidence supporting the applicant's request for consideration and reasons therefor or in mitigation of the terms in this Provisional Order of Denial.

4. Any submissions will be reviewed by the Committee, and the Committee will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Committee is not persuaded that submitted materials merit further consideration, a Final Order of Denial will be entered.

5. In the event that the applicant's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, the applicant shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding.

ALCOHOL AND DRUG COMMITTEE OF THE NEW
JERSEY STATE BOARD OF MARRIAGE AND
FAMILY THERAPY EXAMINERS


By: Edward Reading, LCADC
Committee Chair

EXHIBIT A

8. Have you previously applied for a license or certificate as an Alcohol and Drug Counselor in New Jersey, any other state, the District of Columbia or in any other jurisdiction? Yes No
 If "Yes," when? 5/03

9. Have you ever passed an oral and/or written alcohol and drug counseling examination in New Jersey, any other state, the District of Columbia or in any other jurisdiction? Yes No
 If "Yes," please attach a copy of your examination scores to this application.

10. Have you ever been convicted of a criminal offense? (Minor traffic offenses such as a parking or speeding violations need not be listed; however, motor vehicle offenses such as driving while impaired or intoxicated must be disclosed.) Yes No
 If "Yes," provide a copy of the judgment of conviction and the release from parole or probation. Please provide a complete explanation. (Attach additional sheets of paper to this application.)

11. Do you currently hold, or have you ever held, a professional license or certificate of any kind in New Jersey, any other state, the District of Columbia or in any other jurisdiction? Yes No
 If "Yes," for each license or certificate held, provide the date(s) held and the number(s). If the license or certificate was issued under a different name, please provide that name.

Type of license or certificate	Number	Last name	First name	Middle initial	Date issued/expired
C.A.D.C	3199R		NEW JERSEY		5/03 - 5/05

12. Have you ever been disciplined or denied a professional license or certificate of any kind in New Jersey, any other state, the District of Columbia or in any other jurisdiction? Yes No

13. Have you ever had a professional license or certificate of any type suspended, revoked or surrendered in New Jersey, any other state, the District of Columbia or in any other jurisdiction? Yes No

14. Has any action (including the assessment of fines or other penalties) ever been taken against your professional practice by any agency or certification board in New Jersey, any other state, the District of Columbia or in any other jurisdiction? Yes No

15. Have you ever been named as a defendant in any litigation related to the practice of alcohol and drug counseling or other professional practice in New Jersey, any other state, the District of Columbia or in any other jurisdiction? Yes No

16. Are you aware of any investigation pending against a professional license or certificate issued to you by a professional board in New Jersey, any other state, the District of Columbia or in any other jurisdiction? Yes No

17. Are there any criminal charges now pending against you in New Jersey, any other state, the District of Columbia or in any other jurisdiction? Yes No

18. Have you ever been sanctioned by or is any action pending before any employer, association, society, or other professional group related to the practice of alcohol and drug counseling or other professional practice in New Jersey, any other state, the District of Columbia or in any other jurisdiction? Yes No

If the answer to any of the above questions, numbers 12 through 18, is "Yes," provide a complete explanation of the circumstances leading to the action, and any supporting documentation, on separate sheets of paper.

EXHIBIT B



JAMES E. MOOREEVEY
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Marriage and Family Therapy Examiners
Alcohol and Drug Counselor Committee
124 Halsey Street, 6th Floor, Newark, NJ 07102



PETER C. HARVEY
Attorney General

RENI ERDOS
Director

Mailing Address:
P.O. Box 45040
Newark, NJ 07101
(973) 504-6369

Sylvester Livingston
61 Mission St.
Montclair, NJ 07042

November 15, 2004

Dear Mr. Livingston,

COPY

As part of your application to the Alcohol and Drug Counselor Committee for State certification, you submitted a notarized affidavit requiring that you undergo fingerprinting and a criminal history background check. Please be advised that the Committee has received the results of both the New Jersey State Police and the Federal Bureau of Investigation background check (a copy of which is attached). As you will note, the results of the criminal history background check reveals the existence of arrests that were not explained in your application.

The Committee is now requesting that you provide a notarized statement to include the following information:

- A complete and personal explanation of facts and circumstances surrounding the arrest. Any existence of arrests that were dismissed and/or expunged, must be explained to the Committee. In particular, please address why these charges against you were dismissed and/or expunged.

Please be advised that no further review of your application can be undertaken by the Committee until such time as the above noted information is received by this office and reviewed by the Committee at its next regular monthly meeting. In order for your application to be reviewed at the next scheduled board meeting, the requested materials should be provided to the Committee within two weeks from the date of this letter in order to be included on the next meeting's agenda. At that time, the Committee will determine if your application can be approved for certification or if additional information is required.

Thank you in advance for your full cooperation and prompt attention to this matter.

Sincerely,

Elaine L. DeMars
Executive Director
Board Of Marriage And Family Therapy Examiners
Alcohol and Drug Counselor Committee

EXHIBIT C

November 18, 2004



Sy Livingston
61 Mission Street
Montclair, NJ 07042

Alcohol and Drug Counselor Committee

P. O. Box 45040
Newark, NJ 07101-

Re: Criminal History Background

Dear Sir/Madam:

I am responding to the letter dated: 11/15/04 requiring me to give a complete and personal explanation of facts and circumstances surrounding the arrest (s) to the Committee. I will try to do this in the order you sent to me.

1. Arrested on 9/18/66 by Trenton Police Department Contributing to the Delinquency of minor. On 10/16/67 Trenton Municipal Court plea of Not Guilty – New Plea of Guilty to N.J.S.A. 2A: 170-5. Did solicit Unlawful Sexual Intercourse.

A. I was 19yrs. of age and the girl I was charged with contributing to her delinquency was 17yrs. of age and my girlfriend at the time. Her mother pressed charges on me and I was arrested. I received a 6 months sentence that was suspended.

2. Arrested on 9/18/68 by Trenton Police Department for 2A: 141 – 1 Robbery. On 10/29/69 Mercer County Superior Court 2A: 141 – 1 Robbery Dismissed.

A. The robbery was dismissed because of insufficient evidence. There was a mistrial and the prosecutions choose not to retry the case; because of false identification by the Plaintiff.

3. Arrested on 9/25/69 by Trenton Police Department for 24: 18-4 Possession of Narcotics and Narcotic equipment.

A. The number 4 arrests and convictions and the number 3 arrests and convictions are the same. I was given a 2yrs. sentence at Bordentown – I was given a suspended sentence and I served two years on probation. I was in my addiction at the time. I have eight years clean at present.

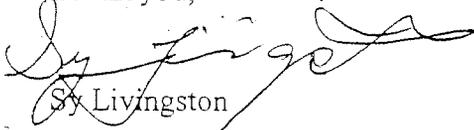
4. Arrested on 3/9/73 by Trenton Police Department for 24:21 – 20A1 Possession of Narcotics 4/4/73 Drug Offense Dismissed.

A. The police lab concluded that the so-called bundle of dope in the house I was visiting was in fact bogus bags of heroin.

5. Arrested on 6/10/81 by Trenton Police Department for 2C:20-5 Extortion. On 7/16/82 Mercer County Superior Court Guilty (1) of 2C:20 -5 Felony Conviction Extortion and 2C:30 -2A Official Misconduct.

A. I was found guilty of extorting \$25.00 from a client when I was a social caseworker for Trenton Municipal Welfare. I was sentenced to 5 years N.J. State Prison. I served 90 days at Jones Farm – I was accepted by the I.S.P.(intensive supervision program) – I successfully completed an 18 months sentence.

Thank you,


Sy Livingston

~~Scan to end subscribe~~

~~before me this~~

~~13th day of Nov 2004~~



CELINE A. CHOICE
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES 10.2009

EXHIBIT D

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MARRIAGE AND FAMILY THERAPY

IN THE MATTER OF : Wednesday
SYLVESTER ALAN LIVINGSTON : January 13, 2005
- - - - - Newark, New Jersey

BEFORE: ALCOHOL AND DRUG COUNSELOR COMMITTEE
PRESENT: DONALD WEINBAUM, Vice Chairman
SYLVIA W. LIPPE
ELAINE DeMARS, Executive Secretary

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1 colorful history is being called in to tell us
2 what happened, and how their life has changed,
3 and how they are qualified to engage in the
4 profession of alcohol and drug counselor.
5 THE WITNESS: Okay.
6 MS. BERGER: So if you have no
7 questions about why you're here and what you
8 are going to be doing --
9 THE WITNESS: Not at this time.
10 MS. BERGER: Could you please swear
11 him in?
12 Sylvester A. Livingston, was
13 duly affirmed.
14 THE WITNESS: Sylvester Alan
15 Livingston. I live at 61 Mission Street,
16 Montclair, New Jersey.
17 MS. BERGER: Could you tell us a
18 little about your educational background?
19 THE WITNESS: I have a little over
20 an associate degree. I have like about 90
21 credits.
22 MS. BERGER: From where?
23 THE WITNESS: One of the schools, I
24 went to Mercer County Community College. I'm
25 from Mercer County originally, from Trenton. I

6

1 went to Mercer County, and I went to school in
2 Philadelphia. I can't remember the name of the
3 school right now, but it was an alternative
4 school for working adults.
5 MS. BERGER: Are you working
6 towards a degree now?
7 THE WITNESS: No. Because the
8 degree that I want at Lincoln University costs
9 about 40,000 dollars, and I don't have it right
10 now. But I do plan on pursuing higher
11 education.
12 MS. BERGER: Where are you working
13 now?
14 THE WITNESS: I'm presently
15 unemployed now.
16 MS. BERGER: Where did you last
17 work? -- --
18 THE WITNESS: I worked for a place
19 called Community Education Training in Newark.
20 MS. BERGER: Where's that?
21 THE WITNESS: That's in Newark,
22 New Jersey.
23 MS. BERGER: Where?
24 THE WITNESS: I think the name of
25 the street is Toler. T-O-L-E-R.

7

1 MS. BERGER: How long did you work
2 there?
3 THE WITNESS: I didn't work there
4 very long. Maybe about five, six weeks.
5 MS. BERGER: When did you work
6 there?
7 THE WITNESS: July of last year.
8 MS. BERGER: July 2004?
9 THE WITNESS: Yes.
10 MS. BERGER: Why did you leave that
11 place of employment?
12 THE WITNESS: Well, there was an
13 altercation between me and -- first of all, let
14 me tell you what the place was. It was a
15 transitional housing situation between the
16 state penal system and them actually being
17 released to the streets, what we call in the
18 street, actually, going home. There was an
19 altercation one day prior to me lecturing
20 between myself and one of the residents or
21 inmates. He was proceeding to break some of
22 the rules, and I called him to the side and I
23 asked him, did he see a sign, et cetera, et
24 cetera, saying do not enter, he wasn't supposed
25 to go in there. And he took offense to it, and

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1 so I called someone else over, and asked them
2 to, you know, try to help explain. Basically,
3 what we were -- I was a senior counselor there,
4 substance abuse counselor, and something that I
5 really resented was we wore so many hats that
6 they expected for us to do crowd control, I
7 guess, mass control, and I resented that, and I
8 made that known. So to make a long story
9 short, because of this altercation with this
10 particular inmate, something was said in my
11 lecturing. I was role playing, and we were
12 role playing about criminal behavior and
13 addictive behavior and how many times it runs
14 almost hand-in-hand with each other. And in my
15 role playing, I made a statement about someone
16 threatening me, and if you threaten me, you
17 know, actually, what I did, I went through a
18 role play of mass threatening, since it was to
19 the whole audience, and I made some statements,
20 and I didn't tell them I was going to do this,
21 I just did it and I --
22 MS. BERGER: What kind of
23 statements did you make?
24 THE WITNESS: Well, basically, what
25 I was saying was what they say, you know, if

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1 you do something I don't like, you know,
2 threatening you, I'll do this, I'll do that,
3 you know? And so when it was over, I can't
4 remember verbatim everything I said, but what
5 happened was over 90 percent of my lecturing
6 hall understood what I was saying. There was
7 only one or two, and I heard the ring leader of
8 it was this inmate, that didn't like me telling
9 him. So he went and he blew some things out of
10 the proportion, and he said I said some things
11 in my lecture that I didn't say, but I didn't
12 tape the lecture so -- but I did ask my
13 superiors, my supervisor and my director, I'm
14 like, well, who's going to believe me? Who can
15 I go to to force some kind of defense? You
16 guys seem to be up in arms defending this guy
17 that was twice my size, and he was wrong from
18 the beginning. And seemed like I was called in
19 on the carpet about it, and that's what I
20 couldn't understand, why I didn't get any --
21 MS. BERGER: Were you fired?
22 THE WITNESS: I was given an
23 ultimatum to either resign or be fired. So I
24 took the former, and I haven't worked since,
25 you know.

11

1 MS. BERGER: What employment have
2 you had that was of any period of time?
3 THE WITNESS: Well, I worked, most
4 of them have been methadone clinics. That's
5 what I was trying to do -- I worked for a place
6 called Essex Substance Abuse on Frelinghuysen
7 Avenue in Newark.
8 MS. BERGER: When did you work
9 there?
10 THE WITNESS: I worked -- I started
11 with them April of '98, and I left employment
12 with them by October, November, 2001.
13 MS. BERGER: What did you do while
14 you were at Essex Abuse?
15 THE WITNESS: I was a counselor
16 there. I did group counseling.
17 MS. BERGER: Who was your
18 supervisor?
19 THE WITNESS: A gentleman by the
20 name of -- I'm trying to think of Sam's last
21 name. I think it's Sam Robeson or Robinson or
22 something like that. I know his first name was
23 Sam.
24 MS. BERGER: Why did you leave that
25 job?

12

1 THE WITNESS: Well, I believe I
2 left that job to go to another job. I know I
3 resigned that job and probably resigned to go
4 to another job. I'm not sure.
5 MS. BERGER: If we gave you a
6 couple of days, would you be able to put
7 together a resume of your work history?
8 THE WITNESS: I already have a
9 resume. I just didn't bring it with me. I
10 didn't know that I would have to discuss my
11 resume.
12 MS. BERGER: Could you mail a copy
13 to the committee?
14 THE WITNESS: Sure, no problem.
15 MS. BERGER: I mean you could do
16 that within 10 days, correct?
17 THE WITNESS: I could do that
18 tomorrow.
19 MS. BERGER: Okay.
20 MS. LIPPE: What did you do between
21 2001 and 2004 then?
22 THE WITNESS: I worked various
23 different jobs doing basically the same thing.
24 Social work, methadone clinics, basically. I
25 worked for a place in Newark, I can't think of

13

1 the name of it now, but basically, that's what
2 I did. I just continued to work in social
3 services, social work, and methadone clinics.
4 MS. BERGER: You just said you did
5 social work. Do you have any social work
6 degree?
7 THE WITNESS: No, I don't.
8 MS. BERGER: License?
9 THE WITNESS: No.
10 MS. BERGER: Where did you do
11 social work?
12 THE WITNESS: I was a social work
13 case worker at Trenton Municipal Welfare.
14 MS. BERGER: When did you work
15 there?
16 THE WITNESS: 1979, 81.
17 MS. BERGER: And that was prior to
18 your recovery?
19 THE WITNESS: Pardon me?
20 MS. BERGER: Was that before or
21 after your recovery?
22 THE WITNESS: My recovery consisted
23 of inconsistencies, you know, being -- living
24 recovered for awhile, relapse, live recovery
25 for awhile. This is the only consistent time

14

1 of recovery that I have had since my addiction
2 started. My addiction began -- I know we kind
3 of are like digressing, but you asked the
4 question so --
5 MS. BERGER: Why don't you tell
6 us. I assume you are in recovery, is that
7 correct?
8 THE WITNESS: Eight years. This
9 November will be nine years clean.
10 MS. BERGER: When did your recovery
11 begin?
12 MS. LIPPE: Eight years ago.
13 THE WITNESS: This recovery began
14 November of 1996, and it's still continuing.
15 MS. BERGER: Good. And how did it
16 come about, your recovery? How did it begin?
17 What was the impetus.
18 THE WITNESS: Basically, being down
19 and out, being sick and tired of being sick and
20 tired. I had no alternatives -- well, I did.
21 You always have choices. All the doors were
22 closed to me. I had to leave Trenton. That's
23 how I came to be in North Jersey. I left
24 Trenton from around my friends and my family,
25 and at the time they didn't understand that

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1 they were enablers. So to make a long story
2 short, I had to leave Trenton. Let me tell
3 you, my addiction began in 1968 and it was off
4 and on until I went to group recovery. I went
5 to a place called Good Will on University
6 Avenue, 79 University Avenue here in Newark. I
7 stayed there from November 1996 until March of
8 '98, about a year-and-a-half.
9 MS. BERGER: Let me go back a
10 little bit to your past.
11 THE WITNESS: Right.
12 MS. BERGER: One of the -- you were
13 arrested several times.
14 THE WITNESS: Yes.
15 MS. BERGER: And the arrest that
16 concerns me the most is on June 10, 1981. You
17 were arrested -- you were convicted of
18 extortion and obstruction of justice. Could
19 you tell me what happened?
20 THE WITNESS: Well, basically, this
21 stemmed from the employment that I had with
22 Trenton Municipal Welfare. I was accused of
23 extorting 25 dollars from a client. When I was
24 first accused of it, I didn't even know what
25 the word "extortion" meant, and after further

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1 deliberation with the prosecutor's office, they
2 told me that they really didn't think they had
3 a case against me. It was basically the
4 client's word against mine, but Trenton police
5 department pushed the issue, and they wanted me
6 brought to trial on this. So I went to trial
7 with it, you know. I had a public defender,
8 his name was Robert Obler, at the time, and I
9 was found guilty on one count, and another
10 count was dismissed, and another count of the
11 -- this is the same incident -- I was found
12 not guilty. So, you know, for a long time I
13 was bitter about that because -- and I really
14 only did -- I did 90 days at Jones Farm, which
15 is a satellite unit of Trenton state prison, to
16 meet the criteria for the I S P program, and I
17 did meet the criteria for it and spent 18
18 months on the ISP program, and I successfully
19 completed that program.
20 MS. BERGER: How are you supporting
21 yourself now?
22 THE WITNESS: My wife works, and we
23 have just been making due. I collected what
24 unemployment they would give me, and now they
25 are contesting that, but anyway I did collect

17

1 what unemployment that I could receive, and
2 basically, it's a hardship situation. But I
3 had so many things that I need to -- I needed
4 to address that I hadn't addressed for years,
5 you know, like I needed to get in touch with
6 the Mercer County Prosecutor Office, get them
7 to correct some things that was on my record,
8 it came out through the state police and FBI
9 report, and they are actively in the process of
10 doing that. I spoke to a supervisor there by
11 the name of Sandra Ware, and another young lady
12 by the name of Patricia Cox from the Mercer
13 County Prosecutor's Office. So they are
14 working on that. I needed to get some things
15 straight because my past record kept coming up
16 against me, even though it stems back like 40
17 years, and when it first -- I mean from the
18 first thing they started to talk about, it was
19 in the Sixties. I was an active strong black
20 male in the Sixties, and I encountered a lot of
21 problems with law enforcement because of my
22 outspokenness, I'll just put it like that. You
23 know? Not so much that I was a career
24 criminal. I mean all the time I've done in
25 jail since the Sixties up to now wouldn't

EXHIBIT E

Community Education Centers
SPECIAL REPORT

Facility TULLY II

PURPOSE: Personnel will submit a report through their respective supervisor of any incident(s) that has an impact on the orderly operation of the facility, for example: activities of residents, staff, security, physical plant and community influences. Special Reports will be forwarded to Administration. Please include all facts, as well as your impressions of the incident which you are describing.

TO: _____ DATE: 08-10-04 TIME: 10:45AM

FROM: _____ TITLE: OPERATIONS

RESIDENTS INVOLVED (INCLUDE NAME, STATE # & BED ASSIGNMENT):

Report Summary: ON THE ABOVE DATE AND TIME, THIS WRITER WAS MONITORING MORNING LECTURE WHEN HE WITNESS SOME UNUSAL AND UNPROFESSIONAL BEHAVIOR FROM SENIOR COUNSELOR, MR. LIVINGSTON. DURING HIS LECTURE HE INDICATED THAT IF ANY OF THE RESIDENTS PUT THERE HANDS ON HIM THAT THE D.O.C WAS NOT BIG ENOUGH TO HIDE THEM THAT AMERICA WAS NOT BIG ENOUGH TO HIDE THEM. HE STATED THAT HE WOULD KILL HIM AND THERE FAMILY.

SIGNATURE

Original: Program Activities/ Classification (when it pertains to a resident) or
Supervisor of Operations (where not applicable, original given to the Director)
cc: Director
Deputy Director
Unit Managers