

DR. ROBERT A. VERRY

Chief of Police[^]

Licensed Private Detective, License No.9629

Certificated Freelance Paralegal

Post Office Box 47 | SBB | NJ | 08880-0047

732.302.9520

DrVerry@Verry-Shea.com | www.VerryShea.com

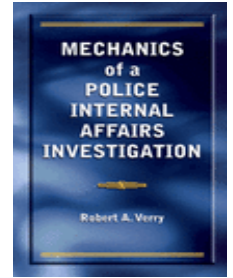
CONCENTRATION



Disciplinary Hearing Officer
Grievances | Unfair Practice
Internal Affairs | Harassment | Workplace Investigator

Robert is **not** a lawyer. If you need legal advice, please contact a lawyer. (^-Retired SBB-NJ)

Internal Affairs Professional Standards/Guidelines
Employee Misconduct | Employee Discipline
OPRA | Common Law (Internal Affairs/Police Records)



In the Matter of Gregory Garcia v. New Jersey Police Training Commission

Docket No. A-3547-23

Decided November 7, 2025 – UNPUBLISHED DECISION

Issue

Whether the New Jersey Police Training Commission acted improperly in revoking Gregory Garcia's law enforcement license when (1) his criminal appeals were still pending at the time of revocation, and (2) even after appeals concluded, the Commission allegedly retained discretion to consider "the interests of justice" and decline revocation.

Rule

Under the **Police Training Act**, the Commission **must** revoke a law enforcement license if the officer has been convicted of a crime:

- **N.J.S.A. 52:17B-71(e)(e)** — the Commission "*shall revoke*" a law enforcement license upon conviction of any listed offense.
- **N.J.A.C. 13:1-12.1(g)** — "[p]roof of a conviction...shall result in the mandatory...revocation of licensure."

New Jersey courts define "conviction" as a **guilty plea or judgment of conviction**, even if appeals are pending:

- *State ex rel. T.M.*, 166 N.J. 319 (2001)
- *Vendrell and Compton* — judgment is final once entered, regardless of pending appeals.

Administrative actions based on convictions occur once judgment is entered, not after appeals are exhausted:

- *International Longshoremen's Ass'n v. Waterfront Comm'n*, 171 N.J. Super. 508 (App. Div. 1979)

The Commission **has no discretion**—unlike pension forfeiture cases that involve "honorable service" standards—because the statute's mandatory language leaves no room for equitable exceptions.

Application

Garcia pled guilty to a fourth-degree crime—possession of a large-capacity ammunition magazine—and a **judgment of conviction** was entered on January 17, 2023. The Commission received proof of conviction and, per statute and regulation, moved to revoke his license.

Garcia argued:

1. Revocation was **premature** because his appeals were still pending.
2. Even after appeals ended, the Commission **could choose** not to revoke his license “in the interests of justice,” relying on *Uricoli*.

The court rejected both arguments:

- **Prematurity Argument:**

The court held that a conviction exists once a guilty plea is entered and judgment issued. Pending appeals do not delay statutory consequences. The court further noted that by the time the appeal was heard, the New Jersey Supreme Court and U.S. Supreme Court had both denied review—rendering the issue **moot**.

- **Discretion Argument:**

The court held there is **no discretion** to decline revocation. The statute is explicit—revocation is mandatory. *Uricoli* was distinguishable because the pension statute there lacked explicit mandatory language, unlike the Police Training Act, where the Legislature used “*shall revoke*.”

Because the Commission acted in direct compliance with statutory language, its decision could not be arbitrary, capricious, or unreasonable.

Conclusion

The Appellate Division **affirmed** the Commission’s decision. Because Garcia had a qualifying criminal conviction and New Jersey law mandates revocation, the Commission was legally required to revoke his license. There was no discretion to delay revocation pending appeals, nor discretion to consider equitable factors afterward.