

NOT FOR PUBLICATION WITHOUT THE  
APPROVAL OF THE APPELLATE DIVISION

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-1322-10T1

IN THE MATTER OF PERFECTO  
CORBACHO.

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Argued: September 14, 2011 - Decided: September 27, 2011

Before Judges Cuff and Waugh.

On appeal from the Waterfront Commission of  
New York Harbor.

Ramon A. Camejo argued the cause for  
appellant Perfecto Corbacho (Kassem &  
Camejo, LLC, attorneys; Mr. Camejo, on the  
brief).

Phoebe S. Sorial argued the cause for  
respondent Waterfront Commission of New York  
Harbor (Phoebe S. Sorial, General Counsel,  
Waterfront Commission, attorney; Ms. Sorial  
and Michelle J. Demeri, on the brief).

PER CURIAM

Appellant Perfecto Corbacho appeals from a final decision  
of respondent Waterfront Commission of New York Harbor  
(Waterfront Commission) that revoked his registration as a  
longshoreman. Appellant argues the sanction is not warranted by  
the relatively minor offenses committed by him. We affirm.

Having thoroughly reviewed the record, we conclude that the decision to revoke appellant's registration is supported by substantial credible evidence in the administrative record. R. 2:11-3(e)(1)(D). We add the following brief comments.

Appellant does not dispute that he has been convicted of four disorderly persons offenses and one criminal offense over the period of twenty years. These offenses include two lewdness charges, one disorderly conduct charge,<sup>1</sup> one theft charge and one criminal sexual contact charge. As a result of the later charge, appellant is a registered sex offender. In addition, he was subject to internal disciplinary action for the theft of merchandise. The record also reflects he was advised in 2004 that he was required to report every arrest. He acknowledged then he understood the need to report and the serious sanctions for failure to report an arrest, which included revocation of his registration. In 2009, the Waterfront Commission advised him again of the requirement to report every arrest. In December 2009, respondent served Corbacho with a notice of hearing for violations of rules and regulations of the Waterfront Commission, including the five convictions and two

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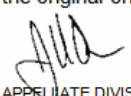
<sup>1</sup> On arrest, he was charged with soliciting prostitution and pled guilty to disorderly conduct.

instances of failure to report the 1993 criminal sexual contact conviction and the 2008 lewdness conviction.

The focus of this appeal is the severity of the sanction imposed by the Waterfront Commission. Our scope of review is limited. We will only disturb a final agency decision if we conclude the decision is arbitrary, capricious or unreasonable. In re Holy Name Hosp., 301 N.J. Super. 282, 295 (App. Div. 1997). Here, the Waterfront Commission had the authority to institute proceedings to revoke, cancel or suspend any license. N.J.S.A. 32:23-46. When the issue is the severity of a sanction, we must generally defer to the judgment of the agency, particularly when the agency is vested with authority to regulate the conduct of a discrete set of employees or professionals. In re Zahl, 186 N.J. 341, 353 (2006). The sanction imposed by the Waterfront Commission is severe; however, we discern no basis to disturb the decision of the agency as it discharges its statutory function to preserve the peace and safety of the waterfront district. N.J.S.A. 32:23-29(c) and -31(f).

Affirmed.

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

  
CLERK OF THE APPELLATE DIVISION