

No.

26-242

In the
Supreme Court of the United States

FRANK BRIGHT,

Petitioner,

v.

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS,
BUREAU OF HOUSING INSPECTION,

Respondent.

On Petition for a Writ of Certiorari to the
Superior Court of New Jersey Appellate Division

PETITION FOR A WRIT OF CERTIORARI

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SUPREME COURT PRESS

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QUESTIONS PRESENTED

1. Is Due Process violated when the State (Bureau of Housing Inspection) fails to provide timely discovery, including exculpatory evidence due to their dislike of Petitioner?

2. Should the Bureau of Housing Inspection follow its own regulations in not inspecting a property – such as: while there is an appeal pending?

3. Should the Bureau of Housing Inspection follow its own regulations by producing as witnesses inspectors who actually inspected the property and found the violations?

4. Have State administrative agencies been given excessive leeway and deference by the Appellate Courts? Should discretion be shifted from state administrative agencies back to the judiciary?

5. Should the Judiciary give inspectors the benefit of the doubt despite withholding multiple items of exculpatory evidence.

6. Can the State have such a sweeping power in inspections knowing that power can be (and was in this case) abused in violation of the 5th Amendment, Search and Seizure, Illegal Takings, and the above sweeping leverage to chill 1st Amendment, over-tax, waste resources, encourage corruption, and more?

7. Should the State be held to their policies, such as: no trespassing, accurate paper keeping of appeals, presenting all evidence, testifying truthfully under oath, using pictures at all times (rather than cherry pick when to use pictures while prosecuting), and acting without prejudice?

PARTIES TO THE PROCEEDINGS

Petitioner and Respondent-Appellant below

- Frank Bright

Respondent and Petitioner-Respondent below

- New Jersey Department of Community
Affairs, Bureau of Housing Inspection

LIST OF PROCEEDINGS

Judicial Proceedings

Supreme Court of New Jersey

No. 091525

Department of Community Affairs, Bureau of Housing
Inspection, *Petitioner-Respondent* v. Frank Bright,
Respondent-Petitioner

Order Denying Certification: May 22, 2026

Superior Court of New Jersey, Appellate Division

No. A-3108-23

Department of Community Affairs, Bureau of Housing
Inspection, *Petitioner-Respondent* v.
Frank Bright, *Respondent-Appellant*

Final Opinion: November 21, 2025

Agency Proceedings

New Jersey Department of Community Affairs

OAL DKT No. CAF 04457-23

Agency DKT No. 200646/1214010986

Department of Community Affairs, Bureau of Housing
Inspection, *Petitioner* v. Frank Bright, *Respondent*

Final Agency Decision: April 24, 2024

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PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully prays that a Writ of Certiorari issue to review the judgment below.



OPINIONS BELOW

The Order of the New Jersey Supreme Court denying the Petition for Certification dated May 22, 2026 is unpublished and is attached at App.1a. The Opinion of the Superior Court of New Jersey, Appellate Division dated November 21, 2025 is unreported and is attached at App.2a. The Final Agency Decision of the State of New Jersey, Department of Community Affairs dated April 24, 2024 is attached at App.13a. The Initial Decision of the State of New Jersey, Office of Administrative Law dated March 11, 2024 is attached at App.16a.



JURISDICTION

Petitioner's Petition for Certification to the New Jersey Supreme Court was denied on May 22, 2026. App.1a. Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1257(a), having timely filed this Petition for Writ of Certiorari within ninety days of the New Jersey Supreme Court's judgment.



CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const. amend. I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

U.S. Const. amend. IV

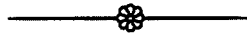
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const. amend. V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const. amend. XIV, § 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**STATEMENT OF THE CASE**

This matter presents a substantial issue concerning due process and equal protection rights. A question of whether the discretion of administrative agencies is overbroad and whether they are afforded too much deference by the state Appellate and Supreme Courts is also raised, especially in light of the overturning of the *Chevron* doctrine.

Petitioner in this case, is a pro se litigant seeking to reverse a penalty issued by the Respondent, Department of Community Affairs, Bureau of Inspections (Bureau). Petitioner is also seeking to reverse the Final Agency Decision which affirmed the initial decision of Administrative Law Judge Carl Buck III (ALJ) due to contradictory testimony of unreliable witnesses, witnesses not being sequestered, exculpatory discovery not being timely produced or not produced at all, discovery that was produced not being related to the date of alleged violations, the ALJ being his own

investigator and several other due process violations. The ownership of the property at issue was never proven by the Respondent at the administrative court hearing. It was also never proven that the inspection actually took place at the address of 218 George Street, New Brunswick, NJ. Additionally, a scheduled settlement hearing was not held.

Respondent conducted an inspection of a property allegedly located at 218 George Street, New Brunswick, New Jersey on July 19, 2019 and found alleged violations. Respondent issued an order to pay inspection fees on July 25, 2019.

Petitioner requested an appeal on August 6, 2019 by going in person to the Bureau's office in Trenton. This appeal was not acknowledged by the Bureau.

Reinspection was conducted on November 10, 2022 and some violations were found to be unabated. It is questionable whether the inspector (Daly) was on the premises on November 10, 2022 as he testified that the front door at issue was not self-closing although a brand new high end luxury Provia door had been installed for this rental property in 2020 which was self-closing. Following this inspection, Petitioner was issued a penalty of \$ 525.

Petitioner appealed the penalty and requested a hearing on November 18, 2022. This second appeal was at first unacknowledged by the Bureau. A significant time later, the appeal was acknowledged by the Bureau. This loss of an appeal is exactly similar to what happened in 2019.

The Bureau transmitted the contested case to the Office of Administrative Law (OAL) on May 12, 2023. The matter was received by the OAL on May 18, 2023.

Petitioner sent in a discovery request on July 6, 2023 which clearly stated that it was a discovery request and which requested exculpatory material. Respondent did not provide Petitioner with exculpatory material on the grounds that Petitioner should have made a more formal request via interrogatories and request for notice to produce.

A settlement conference was scheduled remotely for July 6, 2023. Petitioner timely joined the conference. However, the host hung up on the meeting without any introduction, discussion or reason for ending the call.

One of the inspectors (Costanzo) who had not initially inspected the property at issue, went to the property on or around July 9, 2023. Respondent had informed Petitioner in writing that it was acceptable to refuse entry to an inspector while an appeal is pending. Respondent thus violated their own policy by entering the property.

An in-person hearing was held before ALJ Carl Buck III on August 15, 2023. The ALJ issued an initial decision on March 11, 2024. (App.16a)

Petitioner filed written exceptions on March 20, 2024. Respondent filed a response to the written exceptions on March 28, 2024. The Department of Community Affairs issued the Final Agency Decision on April 24, 2024. (App.13a) Petitioner filed Notice of Appeal on June 7, 2024. On November 21, 2025 the Appellate Division affirmed the Final Agency Decision. (App.2a).

Petitioner filed a Petition for Certification with the Supreme Court of New Jersey on December 22, 2025.

The Supreme Court of New Jersey denied Certification on May 22, 2026. (App.1a).



REASONS FOR GRANTING THE PETITION

The Constitution is very clear. No State “shall deprive any person of life, liberty or property without due process of law”. U.S. Const. amend. V. In the instant case, there were several violations of due process. Material witnesses were not produced for the hearing. Inspectors who did not personally find the violations testified about the alleged violations. These inspectors came months later and witnessed a construction project occurring. Petitioner was not provided with the ability to cross-examine the inspectors who had initially inspected the property and had personal knowledge of the violations. No photographic evidence was produced for any of the violations. Discovery was not timely provided to Petitioner. Witnesses were not sequestered. Judge appeared late to the hearing. A scheduled settlement conference did not take place, as the host ended the call without any explanation.

Respondent argues that Petitioner’s due process rights were not violated “so long as the state affords a full judicial mechanism with which to challenge the administrative decision in question”. *Hospital Ctr. at Orange v. Guhl*, 331 N.J. Super. 322, 340-341 (App. Div. 2000) (quoting *De Blasio v. Zoning Bd. of Adjustment of W. Amwell*, 53 F.3d 592,597 (3d Cir. 2000)) Respondent also argues that “Due process is satisfied if there has been a “full and fair hearing” before an administrative law judge.” *Moiseyev v. N.J.*

Racing Com'n, 239 N.J. Super. 1, 10 (App. Div. 2024) (quoting *De Vitis v. N.J. Racing Com'n*, 202 N.J. Super. 484, 501 (App. Div. 1985)). Respondent argues that “Administrative hearings in contested cases may conform to procedural due process standards that are less restrictive than those imposed in court proceedings”. *In re Kallen*, 92 N.J. 14, 26 (1983).

Petitioner contends that the hearing was not full and fair. The settlement conference was not held. The ALJ’s decision was based on the testimony of unreliable witnesses, where the rules of evidence were relaxed. The Final Agency Decision rubber stamped the ALJ’s initial decision. Also, the Agency (Department of Community Affairs) that reviewed the ALJ’s initial decision is the same agency that oversees the Bureau. This raises questions about the impartiality of the decision. At no point in the process did Petitioner have an actual trial before an impartial judge. All proceedings were administrative proceedings subject to relaxed rules of evidence.

The ALJ attempted to deny Petitioner’s Fifth Amendment pleas. The case law on the Fifth Amendment is flawed. It pre-assumes guilt and ignores the prospect of entrapment. Petitioner petitions the Court to allow any citizen to take the Fifth Amendment without prejudice – unless that citizen was pardoned on the grounds of the case.

Per the Respondent, the “Appellate Courts have a limited role in the review of administrative agency decisions.” *In re Stallworth*, 208 N.J. 182, 194 (2011) (quoting *Henry v. Rahway State Prison*, 81 N.J. 571, 579 (1980)). “In order to reverse an agency’s judgment, an appellate court must find the agency’s decision to be arbitrary capricious or unreasonable or not support

by substantial credible evidence in the record as a whole”. *Ibid.* (quoting *Henry*, 81 N.J.at 579-580). Per this logic, although Petitioner has a right to appeal the Agency decision, the role of the Appellate Court is limited.

The ALJ’s decision was arbitrary as it took into consideration testimony about an inspection that was allegedly performed on November 10, 2022 and that was, at best, performed in an incomplete manner. The ALJ also took into consideration photographic evidence taken on or around July 9, 2023, eight (8) months after the inspection, by somebody other than the original inspector, while an appeal was pending. These photos were obtained via unlawful trespass and as such should not have been allowed into the record. The trespassing inspector admitted that the pictures taken did not prove that any violations existed and admitted that the external door was technically misidentified: in fact, the Provia door was the external door and not the mudroom door testified to by the November 2022 inspector “Daly”.

The Bureau never proved ownership of the property at issue. The ALJ found Petitioner not to be credible based in part on Petitioner insisting that the Bureau prove ownership by Petitioner of the property at issue. The Bureau has processes to log what inspector is where, who uses what car when and more. None of this information was presented at court despite a clear and timely discovery request.

The Bureau failed to provide exculpatory evidence and witnesses. Respondent made a timely discovery request on July 6, 2023 but was not provided any discovery until a couple of days before the hearing. At the August 15, 2023 hearing, compliance officer Carolyn

Long testified that exculpatory evidence required an interrogatory and a request for production of documents.

Petitioner made a discovery request on July 6, 2023 which clearly stated that it was a discovery request and which requested exculpatory material. While it may not have strictly followed the format of a request for production of documents, it clearly conveyed the request and it should have been timely honored.

The ALJ himself stated during the hearing that “Anyone can request information by letter or by OPRA request from an agency if they wish to. It’s not necessarily a formal legal request and you don’t need an attorney to request information.”

The online information regarding the Office of Administrative Law states that “all relevant evidence may be presented, including hearsay”. The fact that some evidence rules apply in Administrative Court and some do not per N.J.A.C. 1:1-15.1(c) is not only confusing (especially for a pro se litigant), but it is also arbitrary. Although the rules of evidence are relaxed in administrative hearing, Long argued that the fact that Petitioner did not follow the proper discussed format excused her from providing discovery. This is arbitrary and capricious.

At the August 15, 2023 hearing, Long also testified that she provided to the ALJ three packets of information before the hearing. Long testified under oath that discovery was sent to Petitioner five (5) days before the hearing, but then also admitted minutes later under oath to not sending discovery to Petitioner in a timely manner because she did not like Petitioner.

Respondent argued that Petitioner waived his claim that discovery was not timely provided by accept-

ing the introduction of the Bureau's evidence at the hearing. Petitioner disagrees with this logic. The fact that Petitioner accepted something into evidence, does not negate the fact that it was not timely provided and that petitioner's rights to timely discovery were violated.

Respondent's witnesses were allowed to stay in the courtroom for the entire hearing and were allowed to hear each other's testimony. Under N.J.R. Evid. 615 "at the request of a party or on the court's own motion, the court may, in accordance with the law, enter an order sequestering witnesses." The purpose of the sequestration rule is to prevent witnesses from shaping their testimony to match another's and to discourage fabrication and collusion. Respondent states that per N.J.A.C. 1:1-15.8, witnesses are not required to be sequestered and that parties in contested cases in administrative hearings, shall not be bound by rules of evidence except as specifically provided. This is arbitrary and capricious. Although Petitioner may not have formally requested sequestration, he raised a concern about witnesses hearing each other's testimony during Costanzo's testimony. Despite hearing each other's testimony, the witnesses contradicted the facts of the case.

The Bureau needed to establish 1) that Petitioner was the owner of 218 George Street, New Brunswick, NJ; 2) that the pictures that were presented at the August 15, 2023 hearing were taken at 218 George Street, New Brunswick, NJ; and 3) that the picture of July 2023 were identical to the November 2022 violations.

At the administrative hearing, Respondent's witnesses did not prove that the property at issue is

the property of Petitioner. The ALJ investigated property ownership. The ALJ violated Rules of Court by performing a private investigation of Petitioner's property. Evidence must be presented to Petitioner before the trial and done by the parties and not by the judge per the Court Rules or it is inadmissible. The ALJ cited property ownership information that was current after August 2023 and not current in November 2022. Furthermore, the ALJ never even correlated that the pictures of the alleged housing violations were of the property in the Tax Assessor records.

Respondent argues that ownership could be established from Tax Assessor Records or by submitting a certificate of registration with the Bureau. However, no search from the Tax Assessor's office nor any proof that the property is registered with the Bureau was presented by the Bureau at the hearing on August 15, 2023. It was never established by the Bureau that Petitioner was the owner of 218 George Street, New Brunswick, NJ either at the hearing or at any other time throughout the timeline of this case. Furthermore, the address of the alleged property was never correlated to the violation pictures. The Bureau has camera technology available that gives location and dates. This was never utilized. The Bureau has processes available to document the owner of the cameras at any date. The Bureau did not use these processes.

Respondent suggests that the ALJ may have taken judicial notice of the tax assessor's information. There is no indication that a property tax search was conducted at the time of the hearing. It was clearly done after the hearing, as no mention of this search was made during the hearing. The ALJ simply states in his opinion that a rudimentary search provided

information on ownership of the property. The record shows a search date of March 14, 2024, seven (7) months after the hearing. The ALJ thus became an investigator while performing an unthorough or rudimentary search. Under the Napoleonic Code a judge can be an investigator. Under Common Law a judge must rule on the evidence provided, excluding exculpatory evidence.

N.J.A.C. 1:1-15.2 (c) states that:

(c) Parties must be notified of any material of which the judge intends to take official notice, including preliminary reports, staff memoranda or other noticeable data. The judge shall disclose the basis for taking official notice and give the parties a reasonable opportunity to contest the material so noticed.

If judicial notice was taken by the ALJ, he should have notified the parties of any material of which he intended to take judicial notice and should have given the parties an opportunity to contest the material so noticed. This did not occur at the hearing on August 15, 2023.

In the response to the exceptions and in their Appellate Brief, Respondent argued that Petitioner would not have appealed if he were not owner. That is an invalid argument and it was not raised at the August 15, 2023 hearing by any of the Respondent's witnesses or representatives. Additionally, how would somebody overturn an unbased charge except by appealing?

Marbury v. Madison, 5 U.S. 137 (1803) established the principle of judicial review. The Appellate Court has the power under *Marbury v. Madison* to review an

entire record of an administrative agency and to reverse a decision.

In *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), the United States Supreme ended the “Chevron deference” requiring courts to defer to federal agencies’ reasonable interpretation of ambiguous laws. This ruling shifts discretion from agencies back to the judiciary. A similar standard should be adopted by the State Courts.

In the case at hand, the Appellate Division held that “how the Bureau meets its evidentiary burden is properly left to the bureau’s discretion”. (App.8a)

The Appellate Division also stated that “we will not disturb the factual findings . . . unless we are convinced that they are so manifestly unsupported by or inconsistent with the competent, relevant and reasonably credible evidence as to offend the interests of justice.” (App.9a)

In this case, the testimony of the witnesses was not supported by substantial credible evidence and the ALJ’s decision was arbitrary and biased in favor of the Bureau. The Final Agency Decision rubber stamped the ALJ’s decision. Based on the above, the Appellate Division should have reversed the Final Agency Decision.

This is Petitioner’s second petition pending before the United States Supreme Court. Petitioner has the time, energy and resources to do this. Such resources do not exist for the vast majority of New Brunswick, NJ residents where the median income and educational level is lower than the state and national average. This fact allows an effective one-party state to use

unconstitutional acts to coerce politically unconnected citizens.



CONCLUSION

For the foregoing reasons set forth above, Petitioner respectfully requests that the Supreme Court grant his Petition and reverse the lower court's decision.

Respectfully submitted,

/s/ Frank Bright

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