



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of I.A., Sheriff's Officer
(S9999R), Hudson County

List Removal Appeal

CSC Docket No. 2020-265

ISSUED: NOVEMBER 27, 2020 (BS)

I.A., represented by Michael L. Prigoff, Esq., appeals her removal from the eligible list for Sheriff's Officer (S9999R), on the basis of falsification during the pre-employment process.

By way of background, the subject list promulgated on May 2, 2014 containing the names of 301 qualified candidates and expired on March 22, 2017. The appointing authority offered the appellant a conditional appointment subject to passing a psychological examination. The appellant initially failed the psychological examination and the appointing authority requested her removal from the subject list. The appellant appealed her removal from the subject list to the Civil Service Commission (Commission) which referred the matter to the Medical Review Panel (Panel). The Panel recommended restoring the appellant's name to the subject list and the Commission granted her appeal, restored her name to the list, and ordered that absent any disqualification issue ascertained through an updated background check, that her appointment was mandated. *See, In the Matter of I.A., Sheriff's Officer (S9999R), Hudson County* (CSC, decided July 18, 2018).

Thereafter, the appellant filed on updated employment application dated August 19, 2018 with the appointing authority in order for it to complete its updated background check. In response to question 15, which requested applicants to list each address at which they have resided since birth, the appellant listed three addresses, one in [REDACTED], one in [REDACTED], and one in the [REDACTED]. However, the appointing authority found that the appellant failed to list a [REDACTED] address. In this regard, the background investigation found that the appellant's driver's license listed the [REDACTED] address. The appointing authority indicated

that the appellant was asked about this discrepancy during her home interview, and she advised the investigator that the address belongs to her aunt, and that she uses it to establish and maintain residency in [REDACTED] for Civil Service testing purposes. The background investigation also indicated that the appellant stated that she has never resided at the Union City address, but does infrequently spend the night there when she works overtime shifts as a dispatcher for the [REDACTED] Police Department. Additionally, the appellant provided 2016 and 2017 federal tax returns that list a different address in [REDACTED], which belongs to the [REDACTED] Police Department, but stated that she never resided there, and explained that she does not complete her own taxes, despite affirming on the tax forms that they were self-prepared. Further, the appointing authority indicated that the appellant failed to list her parents' addresses and failed to list employment with the [REDACTED] Police Department.

Other areas of concern raised by the appointing authority included the appellant's credit history which, as of August 2018, list multiple collection accounts, most of which are related to student loans she failed to repay after attending Fairleigh Dickenson University. According to the appellant's Personal History Statement, she had no savings, checking or financial accounts. When asked to explain her lack of accounts, she divulged a levy was placed on her accounts because she defaulted on civil judgments against her by the university. The appointing authority contended that her actions clearly demonstrated that she knowingly and purposely circumvented a court order and defrauded the university. The appellant was not forthcoming in her explanations, which included lots of discrepancies and omissions of critical information. As a result of its updated background report, the appointing authority, requested the appellant's removal from the list based on falsification.

On appeal, the appellant argues that the appointing authority had evidenced no intention of complying with the Commission's July 18, 2018 granting her psychological disqualification appeal and mandating her appointment. The appellant contends that she was only required to submit to an updated background check, in other words, for matters occurring since the previous background check completed August 2016. She asserts that "[n]othing detrimental" had occurred in the intervening period which would preclude her from serving as a Sheriff's Officer. The appellant includes a certification in which she explained various issues raised by the appointing authority in its list removal request justification. In this certification, the appellant also complains about the behavior of the Hudson County detectives who conducted the updated background investigation. The appellant argues that she did not falsify her application and should be reinstated to the appointment process.

Although provided the opportunity, the appointing authority did not provide the Commission with any additional information to consider in this appeal.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the removal of an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *N.J.A.C.* 4A:4-6.3(b) states in pertinent part that the appellant has the burden of proof in appeals other than medical or psychological disqualification appeals.

In the instant matter, the record reflects that the appellant used various addresses where she did not actually reside for various purposes, notably the [REDACTED] Police Department as her address when filing her Federal taxes in 2016 and 2017 and an address that belonged to her aunt "to establish and maintain residency in [REDACTED] for civil service testing purposes." The Commission notes that, although its Medical Review Panel did note that the appellant had been sued by [REDACTED] for her failure to repay student loans, there was no discussion of the levy placed on her accounts because she defaulted on civil judgments against her. The Commission is not comfortable ratifying the eligibility of an individual who fails to honor his obligations or who uses addresses of convenience. In this regard, Sheriff's Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). *See also In re Phillips*, 117 *N.J.* 567 (1990). The public expects Sheriff's Officers to present a personal background that exhibits respect for the law and rules. The appellant in this case clearly does not.

The Appellate Division of the New Jersey Superior Court in *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate's name based on his falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. In this case, the appellant clearly intended to deceive by withholding and omitting information, filing Federal tax returns using a false address, and using a relative's address for the purpose of establishing residency in a jurisdiction in which she did not live for the purpose of taking a civil service examination. When coupled with her fiscal irresponsibility in dealing with her student loan situation, the appellant presents as an individual who lacks the integrity and stability to serve as a Sheriff's Officer. The Commission emphasizes that any false statement of any material fact or any attempted deception or fraud in *any* part of the selection or appointment process is sufficient to remove an eligible from an eligible list. *See N.J.A.C.* 4A:4-6.1(a)6. Under

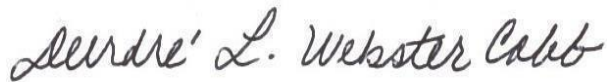
these circumstances, the Commission finds sufficient reason to remove the appellant's name from the Sheriff's Officer (S9999R), Hudson County, eligible list.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 24TH DAY OF NOVEMBER 2020



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