



appealed to DAS which upheld the removal of his name from the subject eligible list.

On appeal to the Civil Service Commission (Commission), the appellant argues that this is "a case of mistaken identity" as the TRO was actually issued against his father. The appellant contends that he shares the same first, middle and last name, and birthday month and day with his father. Moreover, the appellant contends that when the TRO was issued, he was stationed at Camp Lejeune, North Carolina with the United States Marine Corps. Thus, the appellant argues that he does not have an unsatisfactory criminal background and he did not falsify his pre-employment application. In support, he submits, *inter alia*, a sworn notarized statement from the victim of the TRO stating that she did not place the TRO against the appellant; the arrest report identifying the defendant with the appellant's father's birthday, age and social security number; the TRO identifying the defendant with the appellant's father's birthday and the last four digits of his social security number; the complaint identifying the defendant with the appellant's father's birthday, social security number and New Jersey license number; and copies of a passport and driver's license for Ricky Anthony Juliano, date of birth October 14, 1966 and Ricky Anthony Juliano, date of birth October 14, 1989.

In response, the appointing authority, represented by Stephen E. Trimboli, Esq., maintains that the information from the Domestic Violence Central Registry (Registry) is controlling. However, it asserts that it would not oppose the appellant's request to be restored to the subject eligible list if the TRO was removed from the Registry under his identifying information.

### 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 Commission to remove an individual from an eligible 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), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error.

In this matter, a thorough review of the record indicates that the appellant has shown by a preponderance of the evidence that the appointing authority's decision to remove his name from the eligible list was in error. Though the appellant's name and social security number are connected with an April 17, 2010 TRO on the Registry, a thorough review of the relevant supporting documentation reveals that the TRO was issued against his father and not the appellant. In this regard, in the arrest report for April 17, 2010, the defendant was identified with the appellant's father's birthday, age and social security number. The complaint also

identifies the defendant with the appellant's father's birthday, social security number and New Jersey driver's license number. The TRO that was issued as a result of the April 17, 2010 incident also includes his father's birthday and the last four digits of his father's social security number. All of the identifiers point to the appellant's father as the person that was arrested and issued the April 17, 2010 TRO. Consequently, as the TRO was not issued against the appellant, he did not falsify his pre-employment application by failing to list the TRO on it. Moreover, since the record reveals that the TRO was not issued to the appellant, the appointing authority has also not established that his criminal background was unsatisfactory. Accordingly, the appellant has met his burden of proof in this matter and the appointing authority has not shown sufficient justification for removing his name from the eligible list for Sherriff's Officer (S9999R), Morris County.

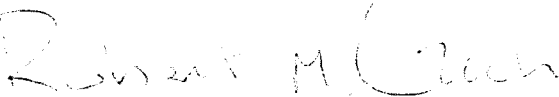
Finally, since the appellant is a veteran, his appointment is mandated pursuant to *N.J.S.A. 11A:4-8* and *N.J.S.A. 11A 5-6*. This mandated appointment is subject only to an updated background check.

### ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's name be restored to the eligible list for Sherriff's Officer (S9999R), Morris County. Absent any disqualification issues ascertained through an updated background check, the appellant's appointment is otherwise mandated. Upon the successful completion of his working test period, the Commission orders that the appellant be granted a retroactive date of appointment to July 14, 2014, the date he would have been appointed if his name had not been removed from the subject eligible list. This date is for salary step placement and seniority-based purposes only. However, the Commission does not grant any other relief, such as back pay, except the relief enumerated above.

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 15<sup>th</sup> DAY OF JULY, 2015



Robert M. Czech  
Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

Attachment

c: Ricky Juliano  
Edward Rochford  
Stephen E. Trimboli, Esq.  
Kenneth Connolly



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
AGENCY SERVICES  
P. O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
Chair/Chief Executive Officer

April 15, 2015

**Ricky Juliano**

**Jurisdiction: Morris County**  
**Title: Sheriffs Officer**  
**Symbol: S9999R**  
**Certification No: OL140655**  
**Certification Date: 05/20/14**

**Initial Determination: Removed – Falsification of Application**

This is in response to your correspondence contesting the removal of your name from the above-referenced eligible list.

The Appointing Authority requested removal of your name in accordance with N.J.A.C. 4A:4-6.1(a)6, which permits the removal of an eligible candidate's name from the eligible list if the eligible "Has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process."

As part of the pre-employment process, you were required to provide a complete and accurate record of your background. The documentation submitted by the Appointing Authority demonstrates that you did not comply with these instructions. Specifically, it has been held that a candidate's name may be removed from an eligible list based on falsification of the employment application when the withheld information is material to the position sought, not whether there was any intent to deceive on the part of the applicant. In support of its decision, the Appointing Authority states that you failed to list a temporary restraining order issued against you on April 17, 2010. The Appointing Authority performed the background investigation and, when comparing the information you listed in your application to the information revealed, determined that the disposition was appropriate. Based upon the information submitted by the Appointing Authority, the Civil Service Commission accepted that disposition as proper.

After a thorough review of our records and all the relevant material submitted, we find that there is not a sufficient basis to restore your name to the eligible list. Therefore, the Appointing Authority's decision to remove your name has been sustained and the appeal is denied.

In accordance with Merit System Rules, this decision may be appealed to the Division of Appeals and Regulatory Affairs (DARA) within 20 days of receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. Please submit a copy of this determination with your appeal to DARA. You must put all parties of

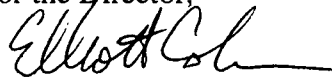
interest on notice of your appeal and provide them with copies of all documents submitted for consideration.

Please be advised that pursuant to P.L. 2010 C.26, effective July 1, 2010, there shall be a \$20 fee for appeals. Please include the required \$20 fee with your appeal. Payment must be made by check or money order only, payable to the NJ CSC. Persons receiving public assistance pursuant to P.L. 1947, C. 156 (C.44:8-107 et seq.), P.L. 1973, c.256 (C.44:7-85 et seq.), or P.L. 1997, c.38 (C44:10-55 et seq.) and individuals with established veterans preference as defined by N.J.S.A. 11A:5-1 et seq. are exempt from these fees.

Address all appeals to:

Henry Maurer, Director  
Division of Appeals and Regulatory Affairs  
Written Appeals Record Unit  
PO Box 312  
Trenton, NJ 08625-0312

Sincerely,  
For the Director,



Elliott Cohen  
Human Resource Consultant  
Local Placement Services

Edward V. Rochford  
Morris County Sheriff  
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