





dated August 20, 2004. The appellant maintains that the Judgment contains the dismissal of the stalking charge.<sup>1</sup>

In response, the appointing authority argues that the appellant was properly removed from the subject eligible list pursuant to *N.J.A.C.* 4A:4-4.6, as he did not disclose the November 2000 stalking charge on his Questionnaire, as required. In support, the appointing authority submits a copy of the appellant's Questionnaire, a New Jersey Criminal History Detail Report for the appellant, and a record from the New Jersey Promis/Gavel case tracking system that details the procedural history for the November 2000 stalking charge. The appointing authority notes that the Questionnaire contains clear and explicit instructions on what must be disclosed. Specifically, the Questionnaire advises candidates that "it is mandatory that [they] disclose all charges, whether dismissed, adjudicated or pending." However, the appointing authority proffers that despite those instructions, the appellant only disclosed a 2004 Temporary Restraining Order in his Questionnaire and indicated that he had never been charged with any criminal, sexual, or disorderly persons offenses. The appointing authority stresses that its role in managing the prison system requires it to ensure that the candidates it appoints to the title of Correction Officer Recruit have a proven history of respect for the law. It adds that when a candidate for employment, such as the appellant, fails to disclose required background information during pre-employment processing, he or she inhibits its ability to conduct an appropriate review of his or her suitability for employment. Accordingly, the appointing authority contends that its removal of the appellant's name from the subject eligible list should be upheld.

### 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 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.

In this matter, a review of the record demonstrates that the appointing authority reasonably requested the removal of the appellant's name from the subject eligible list based upon the falsification of his Questionnaire through his failure to disclose that he was charged with stalking in November 2000. The dismissal of that charge in May 2001 has no bearing on the appellant's disclosure obligation, as the Questionnaire provides clear instructions to list all charges regardless of whether the charges were dismissed. The information that the appellant withheld is considered material and should have been accurately indicated on the Questionnaire. It is recognized that a Correction Officer Recruit is

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<sup>1</sup> It is noted that while the Judgment dismissed a November 2000 Final Restraining Order issued against the appellant for the protection of his ex-wife, it does not purport to dismiss any criminal charges pending against the appellant.



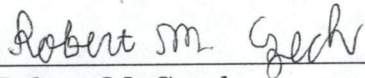
a law enforcement employee who must help keep order in the prisons and promote adherence to the law. Correction Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. See *Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), cert. denied, 47 N.J. 80 (1966); *In re Phillips*, 117 N.J. 567 (1990). The public expects Correction Officers to present a personal background that exhibits respect for the law and rules. Clearly, the appellant's failure to disclose that he was charged with stalking in November 2000 is indicative of his lack of integrity and questionable judgment. Such qualities are unacceptable for an individual seeking a position as a Correction Officer Recruit. Accordingly, the appellant's falsification of his application provides a sufficient basis to remove his name from the 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 7<sup>TH</sup> DAY OF JUNE, 2017



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Felix Rosario, Jr.  
Lisa Gaffney  
Jennifer Rodriguez  
Kelly Glenn

...entirement employed in his position and prior...  
 adherence to the law. Government Officers, like municipal Police Officers, hold  
 highly visible and sensitive positions within the community and are expected to  
 appear in public good character and an image of trust, confidence and respect.  
 (See, e.g., *People v. Brown*, 88 N.Y.2d 567 (1997).) The public-speak Government Officers  
 to present a personal background that exhibits respect for the law and rules.  
 Clearly, the applicant's failure to disclose that he was charged with a crime in  
 November 2000 is indicative of the lack of integrity and the inability to perform  
 his duties as a municipal police officer. The applicant's failure to disclose this  
 information is a sufficient cause to remove his name from the eligible list.

ORDER

The referee is ordered that this appeal be denied.

This order and administrative determination in this matter is final and  
 review should be sought in a judicial forum.

DECISION RENDERED BY THE  
 CIVIL SERVICE COMMISSION ON  
 THE TWENTY-FOURTH DAY OF JUNE, 2011

*Robert M. Cech*  
 Chairman  
 Civil Service Commission

Director  
 Division of Appeal and Regulatory Affairs  
 Civil Service Commission  
 Written Report Appeals Unit  
 P.O. Box 312  
 Trenton, New Jersey 08646-0312

and  
 Correspondence  
 Frances  
 Kelly  
 Alexander Rodriguez  
 Lisa Galley  
 Felix Rosario, Jr.