



B-98

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Quarmeria Edwards,
Sheriff's Officer (S9999M), Essex
County

CSC Docket No. 2015-2596

List Removal Appeal

ISSUED: **DEC 18 2016**

(EG)

Quarmeria Edwards appeals the attached determination by the Division of Agency Services (DAS), which found that the appointing authority had presented a sufficient basis to remove her name from the Sheriff's Officer (S9999M), Essex County eligible list due to falsification of her pre-employment application and an unsatisfactory criminal record.

The subject eligible list was promulgated on June 10, 2011 and expired on May 1, 2014. In disposing of the March 10, 2014 certification, the appointing authority requested that the appellant's name be removed from the subject eligible list for falsification of her pre-employment application and an unsatisfactory criminal record. Specifically, it asserted that the appellant failed to indicate two charges of simple assault in her August 2001 arrest. It also asserted that the appellant's criminal history revealed an arrest in 2001 for two counts of improper behavior and two counts of simple assault, and a June 2004 arrest for simple assault and harassment. All the charges were dismissed. The appellant appealed to DAS arguing that her background records from the City of Newark Records Bureau did not indicate any charges for simple assault in 2001. The appellant claimed that it was her sister who was charged with simple assault. Upon reviewing the matter, DAS sustained the appointing authority's request to remove the appellant's name from the list.

On appeal, the appellant argues that that she did not falsify her application. She argues that the 2001 simple assault charges belonged to her sister, who has a similar name to the appellant. In support of this contention the appellant submits a

March 4, 2015, letter from the Acting Chief Municipal Prosecutor for Newark indicating that an error was made in her criminal history and that it was corrected. The appellant also submits an updated criminal history that does not indicate any charges of simple assault in 2001. Further, the appellant argues that she was never arrested in June 2004, but merely received a summons as a result of an incident that occurred in April 2004. She adds that these charges were dismissed in June 2004. Further, the appellant explained that the 2001 arrest occurred when she was 19 years old. She described the incident as occurring when she and her sister observed friends following them home. When they got home, the friends and her sister began arguing. The appellant states that she ran into her home and asked her mother to call the police. She states that she and her sister were arrested a few days later. All charges were later dismissed. With regard to the 2004 incident, the appellant explains that she was struck in the face by the mother of her daughter's sister. The appellant states that she filed charges against the woman who was arrested and spent a weekend in jail. Subsequently, this woman filed a complaint against the appellant which was dismissed. The appellant emphasizes that she was never arrested as a result of the woman filing charges against her for the 2004 incident. Rather, that the incident occurred in April 2004 and the charges were dismissed for lack of probable cause in June 2004. Moreover, the appellant states that she has been employed as a detention officer with the Corrections Corporation of America since February 2009, with responsibilities that include ensuring the safety and security of inmates, processing inmates, and working as the control room officer. The appellant also indicates that she is pursuing a Bachelor's degree in Criminal Justice. Finally, she adds that she has two daughters and is actively involved in their education.

The appointing authority, despite being provided the opportunity, did not provide any new arguments or evidence for the Civil Service Commission (Commission) to review.

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 individual from an eligible list who has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process.

Additionally, *N.J.S.A.* 11A:4-11 and *N.J.A.C.* 4A:4-4.7(a)4 provide that an eligible's name may be removed from an employment list when an eligible has a criminal record which includes a conviction for a crime which adversely relates to the employment sought. The following factors may be considered in such determination:

- a. Nature and seriousness of the crime;

- b. Circumstances under which the crime occurred;
- c. Date of the crime and age of the eligible when the crime was committed;
- d. Whether the crime was an isolated event; and
- e. Evidence of rehabilitation.

The presentation to an appointing authority of a pardon or expungement shall prohibit an appointing authority from rejecting an eligible based on such criminal conviction, except for, *inter alia*, correction officer titles. Additionally, pursuant to *N.J.S.A. 11A:4-10*, an appointing authority may only question an eligible for a law enforcement, firefighter or correction officer title as to any arrest. It is noted that the Appellate Division of the Superior Court remanded the matter of a candidate's removal from a Police Officer eligible list to consider whether the candidate's arrest adversely related to the employment sought based on the criteria enumerated in *N.J.S.A. 11A:4-11*. See *Tharpe v. City of Newark Police Department*, 261 *N.J. Super.* 401 (App. Div. 1992).

A thorough review of the record indicates that the appellant's removal from the (S9999M) eligible list for Sheriff's Officer is not warranted. The record indicates that the appellant was arrested once in 2001 when she was 19 years old and she received a summons as a result of an incident in April 2004 that was dismissed for lack of probable cause in June 2004. Her only arrest occurred nearly 13 years prior to the closing date of the subject examination, and the appellant has had no other arrests in her record. The appellant also explained the circumstances of the 2001 arrest and indicated that all the charges were dismissed as a result of the 2004 summons. The Commission is mindful of the high standards that are placed upon law enforcement candidates and personnel. The public expects Sheriff's Officers to present a personal background that exhibits respect for the law and rules. See *Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). However, taking into consideration that the appellant's arrest occurred approximately 13 years prior to the subject certification, the fact that all the charges were dismissed, and the totality of the evidence in the record, including gainful employment from 2009 through the present as a detention officer and her pursuit of a Bachelor's degree, the appointing authority has not presented a sufficient basis to remove the appellant's name from the subject eligible list based on her criminal record.

Additionally, the Commission does not agree that the appellant falsified her application. In this regard, the appointing authority claims that appellant falsified her application because she failed to indicate two charges of simple assault in her August 2001 arrest. However, the appellant has argued and provided evidence that the 2001 charges for simple assault indicated in her criminal history were an error. It is clear from the documents provided by the appellant that these charges were erroneous made part of her criminal history. Therefore, the appellant did not falsify

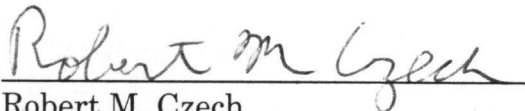
her application by omitting such charges. Accordingly, the appellant has met her burden of proof in this matter and the appointing authority has not shown sufficient justification for removing her name from the eligible list for Sheriff's Officer (S9999M), Essex County.

ORDER

Therefore, it is ordered that this appeal be granted and the list for Sheriff's Officer (S9999M), Essex County be revived in order for the appellant to be considered for appointment at the time of the next certification for prospective employment opportunities only.

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 16TH DAY OF DECEMBER, 2015



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Attachment

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