



## STATE OF NEW JERSEY

In the Matter of Nikko Vrisiotis,  
Police Officer (S9999U), Jersey City

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2018-2613

Court Remand

ISSUED: DECEMBER 6, 2019 (JET)

The Superior Court of New Jersey, Appellate Division, has remanded the matter of Nikko Vrisiotis to the Civil Service Commission (Commission). *See Nikko Vrisiotis v. Civil Service Commission*, Docket No. A-000569-18T1 (App. Div. October 15, 2019). Copies of the Appellate Division's remand order and the Commission's decision *In the Matter of Nikko Vrisiotis (S9999U), Jersey City* (CSC, decided September 5, 2018) are attached and incorporated herein.

By way of background, the appointing authority removed the appellant<sup>1</sup> from the list for Police Officer (S9999U),<sup>2</sup> Jersey City for failure to meet the residency requirements pursuant to *N.J.A.C. 4A:4-2.11(c)1*. The appellant appealed to this agency and the arguments submitted by the parties are set forth in detail in the Commission's prior decision. *See Vrisiotis, supra*. In its previous decision, the Commission upheld the appellant's removal from the list finding he did not maintain continuous residency in Jersey City as required.

The appellant, represented by Robert. K. Chewning, Esq., appealed the prior Commission decision to the Appellate Division of the Superior Court, arguing that the decision was arbitrary, capricious and constituted an abuse of discretion. In his arguments, the appellant asserted that he had established in the prior matter that he maintained residency in Jersey City prior to the August 31, 2016 announced

<sup>1</sup> The appellant is currently serving as a Correctional Police Officer, Department of Corrections.

<sup>2</sup> It is noted that the S9999U list expired on March 30, 2019.

closing date through the date that he should have been appointed from the list and up until the present. In this regard, the appellant provided evidence that he had been a resident at the [REDACTED] Jersey City address from July 10, 2015 through August 2017, which was confirmed in the appellant's certifications at the time of the appointing authority's background investigation. The appellant added that his driver's license issued on July 10, 2015 reflected the [REDACTED] address, and the driver's license issued on August 5, 2017 reflected the Manhattan Avenue, Jersey City address.<sup>3</sup> The appellant argued that the Motor Vehicle Address Change form confirmed the residency change to Hague Street on July 10, 2015, which was prior to the subject announcement's closing date of August 31, 2016. Further, the appellant asserted that his voter profile records established that he voted in Jersey City from November 3, 2015 through the present, and presented an August 21, 2017 bank statement indicating the Hague Street address. The appellant argued that he submitted a 2016 form 1099-INT and a 2016 W-2 form issued by Securitas Security Services USA Inc., a 2016 W-2 form issued by New Meadowlands Stadium Company, LLC and a 2016 form 1098-T issued by William Paterson University, and such documents reflected the Hague Street address.

Additionally, the appellant argued that he provided evidence indicating that he moved to the [REDACTED] address on or about September 1, 2017, where he continues to live, and such information was confirmed at the time of the appointing authority's background investigation. In this regard, the appellant argued that, at the time of the background investigation, the appointing authority reviewed the lease agreement with respect to the [REDACTED] address, the appellant's driver's license, the Motor Vehicles Address Change form, and his voter profile. The appellant argued that, rather than relying on the evidence he submitted in the prior matter, the Commission relied on other evidence including the appellant's Motor Vehicle Address Change form, 2016 income tax return, the November 3, 2015 Englewood Cliffs Police Investigation Report, and the 2016 W-2 form issued by Englewood Cliffs. In this regard, the appellant argued that the 2016 income tax return, November 3, 2016 Police Investigation Report, and the Englewood Cliffs W-2 form erroneously listed his address as [REDACTED] Englewood Cliffs, despite that he had not lived at that address since June 2015.<sup>4</sup> The appellant explained that the Englewood Cliffs address appeared on the aforementioned documentation because he had inadvertently failed to update his address in that jurisdiction, despite that he had worked there.<sup>5</sup> Moreover, the

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<sup>3</sup> In support, the appellant provided copies of his driver's license which reflects the [REDACTED] address, issued from July 10, 2015 and expired on September 30, 2017, and his driver's license which reflects the Manhattan Avenue address that was issued on August 5, 2017 and will expire on September 30, 2021.

<sup>4</sup> It is noted that the appellant served as a Seasonal Employee in Englewood Cliffs, Department of Public Works, from May 2012 through November 2017.

<sup>5</sup> The appellant explained that his accountant did not update his address with respect to his 2016 tax returns despite that he had been using that accountant's service since 2014, and Englewood Cliffs automatically generated the address that was listed on the W-2 forms. The appellant maintains that

appellant argued that the appointing authority's background investigator confirmed that his Motor Vehicle Services Address Change form indicated that the appellant provided proof of his residency change to Jersey City prior to the August 31, 2016 closing date. The appellant added that his driver's license issued on July 10, 2015 confirmed that he promptly updated Motor Vehicles with respect to moving to the Hague Street address in July 2015, and such information appears to have been ignored by the Commission. Moreover, the appellant reiterates that his voter profile records established that he voted in Jersey City on November 2, 2015, and he has voted four times in Jersey City since July 31, 2015.<sup>6</sup> Finally, the appellant stated that the Commission erroneously reviewed the July 31, 2017 lease as pertaining to the Hague Street address, when it was actually the lease for the Manhattan Avenue address.<sup>7</sup> Based on the aforementioned information, the appellant argued that he established and maintained residency in Jersey City during the timeframe in question. As such, the appellant requested the matter be remanded to the Commission in order to correct the erroneous findings in the prior decision, including the misinterpretations of the Manhattan Avenue lease agreement and the appellant's Motor Vehicle Address Change form. As such, the appellant argued that the appeal of the prior matter should have been granted by the Commission.

In further support, the appellant provides notarized statements dated July 13, 2018 from Nikitas Vrisiotis, a.k.a. Nikitas Vromovrysiotis, and from Georgia Vrisiotis, indicating that the appellant has not lived at the Englewood Cliffs address since June 2015. In addition, the appellant submits a July 13, 2018 notarized statement from George Sengos, indicating that a written landlord-tenant agreement with his tenant, Konstantina Koliopoulos, was not effectuated but rather, a month-to-month verbal agreement was utilized for his tenancy at the Hague Street address. Sengos also submits a June 8, 2018 notarized letter indicating that the appellant lived with Koliopoulos at the Hague Street address from July 2015 through August 2017.<sup>8</sup>

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he moved from the Englewood Cliffs address in 2015. Additionally, the record reflects an Internal Revenue Service Tax Return Transcript dated September 13, 2017 that shows his tax record for the period ending December 31, 2014, which indicates the appellant's address as [REDACTED], Englewood Cliffs. However, the record reflects that the appellant's accountant, Charles Miller, sent a March 14, 2017 letter to the appellant with respect to his tax returns to the [REDACTED], Englewood Cliffs address.

<sup>6</sup> The appellant's Voter Profile record dated September 6, 2017 indicates that the appellant's previous address as of July 29, 2015 was [REDACTED], Englewood Cliffs, and his previous address as of September 6, 2017 was [REDACTED], Jersey City. The Voter Profile record confirms that the appellant voted in Jersey City on November 3, 2015, June 7, 2016, November 8, 2016, and on June 6, 2017.

<sup>7</sup> The appellant confirmed that he did not have a lease agreement for the [REDACTED] address.

<sup>8</sup> The record reflects a bank account statement from July 31, 2017 through August 31, 2017 indicating the appellant's and Georgia A. Vrisiotis' address as [REDACTED], Apartment 1, Jersey City.

In reply, the appointing authority, represented by James B. Johnston, Assistant Corporation Counsel, asserted that the remand was unnecessary, since the appellant did not request reconsideration of the prior matter after the prior decision was issued. The appointing authority argued that the Commission already had the opportunity to review the evidence in the record and determined in the prior matter that the appellant did not meet the residency requirements. As such, it stated that the opportunity to re-review the record has passed.

Based on the above, and as indicated previously, the Appellate Division remanded the matter to the Commission. In its October 15, 2019 order, it ordered the Commission to issue a decision no later than 60 days from the date of the order. It is noted that despite being provided the opportunity, the parties did not submit any further arguments or information to the Commission with respect to the issues on remand in this matter.

### CONCLUSION

The Commission has reviewed the record in this matter pursuant to the remand order by the Appellate Division. The standard for review in this matter is governed by *N.J.A.C. 4A:2-1.6(b)*, which sets forth the standards by which the Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

Initially, the Commission has re-reviewed the record and has determined that the appellant has established his contentions with respect to the address for the July 31, 2017 lease agreement in the record. In this regard, the appellant argues that the July 31, 2017 lease was not applicable to the Hague Street address, and as such, the lease agreement should not have been listed as pertaining to that address in the prior matter. As such, he maintains an error occurred in the prior matter. He argues that the lease agreement established that he was living at the [REDACTED] address as of July 31, 2017. A review of the July 31, 2017 lease agreement indicates that it was, in fact, pertaining to the [REDACTED] address, and as such, the lease agreement established that the appellant began living at the [REDACTED] address at that time. Although the record reflects that the appellant's accountant sent a March 2017 letter to the appellant at the Englewood Cliffs address, the appointing authority in this matter does not dispute that the appellant is now currently living at the [REDACTED] address, and that he has lived there since 2017. Although the July 31, 2017 lease indicates that at the time the appellant signed the lease agreement, his address was [REDACTED] Jersey City, the lease does not substantially establish the date when he began living at the [REDACTED]. Accordingly, after reviewing the July 31,

2017 lease agreement, in consideration with other credible evidence in the record, such as the appellant's August 5, 2017 driver's license that reflects the Manhattan Avenue address, the Commission is persuaded that the preponderance of the evidence shows that the appellant lived at the [REDACTED] address in Jersey City from July 31, 2017 to the present.

Additionally, the Commission is persuaded that the preponderance of the evidence establishes that the appellant lived in Jersey City as of the August 31, 2016 closing date. Initially, with respect to the appellant's argument that the Commission misinterpreted his Motor Vehicle Address Change form, the record reflects that his 2015 driver's license indicates the [REDACTED] address. Thus, such information appears to confirm his claims in that regard.

Further, although the record includes the appellant's 2016 tax returns, 2016 W-2 forms, and the November 3, 2016 Englewood Cliffs Police report which do not reflect the Hague Street address, but rather, reflect the Englewood Cliffs address, the appellant has also provided a notarized statement from his landlord indicating his residence at the [REDACTED] address from July 2015 through the closing date. Moreover, the appellant explains that he did not update his accountant and Englewood Cliffs regarding his address in Jersey City. Accordingly, given the substantial evidence presented previously of his Jersey City residence, the Commission finds, by a preponderance of the evidence, that the appellant also lived in Jersey City as of the August 31, 2016 closing date until July 31, 2017. Accordingly, the Commission vacates its prior decision denying the appellant's appeal, and restores his name to the subject eligible list.

### ORDER

Therefore, the Commission rescinds its September 5, 2018 decision removing the appellant's name from the eligible list for Police Officer (S9999U), Jersey City, and restores his name to that list. Additionally, it orders that the list 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 4<sup>th</sup> DAY OF DECEMBER, 2019

*Deirdre L. Webster Cobb*

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Attachments

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James B. Johnston, Assistant Corporation Counsel  
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Brian D. Platt  
Beth Wood (w/file)  
Clerk, Appellate Division



STATE OF NEW JERSEY

In the Matter of Nikko Vrisiotis,  
Police Officer (S9999U), Jersey City

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2018-2613

List Removal Appeal

ISSUED: SEPTEMBER 7, 2018 (JET)

Nikko Vrisiotis, represented by Robert K. Chewning, Esq., appeals the removal of his name from the Police Officer (S9999U), Jersey City, eligible list on the basis of failure to maintain residency.

The appellant took the open competitive examination for Police Officer (S9999U), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified on July 13, 2017 (OL170832). In disposing of the certification, the appointing authority requested the removal of the appellant's name from the eligible list on the basis of failure to maintain residency. Specifically, the appointing authority asserted that the appellant's address is 29 Irving Avenue, Englewood Cliffs which is outside of the jurisdiction's residency requirements. It is noted that applicants were required to maintain continuous residency from the August 31, 2016 closing date of the announcement up to the date of appointment. See *N.J.A.C. 4A:4-2.11(c)1*.

On appeal, the appellant maintains that he is a resident of Jersey City and he has resided there since July 2015. The appellant asserts that he provided his driver's abstract to this agency which indicates that he moved to Jersey City prior to the closing date, and he has been voting and receiving mail in Jersey City. In addition, the appellant asserts that he was employed by Englewood Cliffs from May 2012 through November 2017, and at the time he started working in that jurisdiction, he was living at [REDACTED] Englewood Cliffs. The appellant adds that, when he moved to Jersey City in July 2015, he inadvertently failed to inform Englewood Cliffs that his address had changed, and as a result, the

background investigation erroneously listed that he lived in Englewood Cliffs. Further, the appellant asserts that [REDACTED] is the only address his family tax preparer had available to him at the time his income taxes were prepared, and the appellant did not update him regarding his Jersey City address. However, the appellant states that his 2016 tax return reflects a Jersey City address. In support, the appellant provides certifications from himself, Georgia Vrisiotis, Konstantina Koliopoulos, and George Sengros which indicate that he lives in Jersey City. He also provides a copy of his voter profile form, a copy of his yearly lease agreement dated July 31, 2017, and copies of various tax documents including W-2s, a 1099, and a 1098-T form indicating a Jersey City address.

In response, the appointing authority, represented by James B. Johnston, Assistant Corporation Counsel, maintains that the appellant's name should be removed for failure to maintain residency in Jersey City. The appointing authority states that the address reflected on the appellant's tax records and in a police report reveals that he does not live in Jersey City. The appointing authority explains that, in March 2017, approximately seven months after the closing date, a tax preparer listed the address on the appellant's tax returns as [REDACTED] Englewood Cliffs.<sup>1</sup> Additionally, the appointing authority contends that the 2016 W-2 forms issued by Englewood Cliffs, issued nearly two years after the appellant purportedly moved to Jersey City, indicates that his address is [REDACTED] in Englewood Cliffs. As such, the appointing authority contends that for the appellant's contention to be true, he would have had to not inform Englewood Cliffs that he was residing in Jersey City. Accordingly, the appointing authority maintains that the appellant has not provided any substantive evidence to show that he has been residing in Jersey City since 2015. Moreover, while the appointing authority acknowledges that the appellant has been residing in Jersey City since November 9, 2017, such information fails to show that he maintained continuous residency in Jersey City since the August 31, 2016 closing date.

In support, the appointing authority provides a November 3, 2016 police report from Englewood Cliffs, a W-2 form issued by Englewood Cliffs, and a 2016 tax return which reflect the appellant's address as [REDACTED] Englewood Cliffs. It also submits a March 14, 2017 letter signed by the appellant's tax preparer indicating that that appellant's tax returns were electronically filed and his address as [REDACTED] Englewood Cliffs. It also submits an auto insurance card dated April 4, 2017 through October 4, 2017 indicating an address of [REDACTED] Englewood Cliffs. Moreover, it submits the appellant's lease dated July 31, 2017, which indicates an address of [REDACTED] Jersey City.

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<sup>1</sup> The appointing authority states that the appellant's tax returns were electronically filed and the 2016 federal 1040 form which the preparer signed states – [d]eclaration of preparer (other than the taxpayer) is based on all information of which the preparer has any knowledge.



## CONCLUSION

*N.J.A.C.* 4A:4-2.11(c) provides that residency requirements shall be met by the announced closing date for an examination, and *N.J.A.C.* 4A:4-2.11(c)1 provides “[w]hen an appointing authority requires residency as of the date of appointment, residency must be continuously maintained from the closing date up to and including the date of appointment.” *N.J.A.C.* 4A:4-2.11(b) provides that where residency requirements have been established, residence means a single legal residence. The following standards shall be used in determining legal residence:

1. Whether the locations in question are owned or rented;
2. Whether time actually spent in the claimed residence exceeds that of other locations;
3. Whether the relationship among those persons living in the claimed residence is closer than those with whom the individual lives elsewhere. If an individual claims a parent’s residence because of separation from his or her spouse or domestic partner, a court order or other evidence of separation may be requested;
4. Whether, if the residence requirement of the anticipated or actual appointment was eliminated, the individual would be likely to remain in the claimed residence;
5. Whether the residence recorded on a driver’s license, motor vehicle registration, or voter registration card and other documents is the same as the legal residence. Post office box numbers shall not be acceptable; and
6. Whether the school district attended by children living with the individual is the same as the claimed residence.

*See e.g., In the Matter of Roslyn L. Lightfoot* (MSB, decided January 12, 1993) (Use of a residence for purposes of employment need and convenience does not make it a primary legal residence when there is a second residence for which there is a greater degree of permanence and attachment). *See also, In the Matter of James W. Beadling* (MSB, decided October 4, 2006). Further, *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 the instant matter, the appellant has not established by a preponderance of the evidence that he was residing in Jersey City. Residence means a single legal residence. See *N.J.A.C. 4A:4-2.11(c)*. Considering the factors set forth in *N.J.A.C. 4A:4-2.11(c)*, the documentation submitted by the appellant on appeal is insufficient to show that he has maintained continuous residency in Jersey City since August 2016. Although the appellant submits various certifications stating that he continuously resided in Jersey City since 2015, the documentation in the record effectively rebuts this assertion. *N.J.S.A. 39:3-36* requires a motorist who moves within New Jersey to report an address change within one week. The appellant's Motor Vehicle Address Change History clearly indicates that he did not change his address from an Englewood Cliffs address to a Jersey City address until August 29, 2017. Since the appellant claims to have been living in Jersey City since 2015, it is clear that he did not update the Motor Vehicle Address Change Form to reflect a Jersey City address within one week as required. As such, the address was not changed until after the August 31, 2016 closing date of the announcement. Based on this fact alone, it would have been reasonable for the appointing authority to conclude that the appellant did not continuously reside in Jersey City. Thus, it was appropriate for the appointing authority to remove the appellant from the eligible list on that basis. See *In the Matter of Patrick O'Hara, Fire Fighter (M2377H)*, Newark (CSC, decided January 13, 2010).

Additionally, the tax returns and tax documentation in the record, including his W-2s, 1099 and 1098-T forms, do not show that the appellant continuously lived in Jersey City after the August 31, 2016 closing date. Although the appellant states that his tax preparer erroneously listed the Englewood Cliffs address on his most recent tax returns, such information does not overcome that his tax documentation evidences that he does not maintain residency in Jersey City. Further, the lease in the record does not evidence that he maintained a primary legal residency in Jersey City as of the August 31, 2016 closing date. In this regard, the lease for the [REDACTED] address is dated July 31, 2017, which is nearly a year after the August 31, 2016 closing date of the announcement. The appellant's motor vehicle registration and driver's license, as well as his automobile insurance card, also do not indicate that he resided in Jersey City by the August 31, 2016 closing date of the examination.


Therefore, the appointing authority has presented a sufficient basis to remove the appellant's name from the Police Officer (S9999U), Jersey City eligible list for failure to meet the residency requirement and the appellant has failed to meet his burden of proof in this matter.

#### 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 5<sup>th</sup> DAY OF SEPTEMBER, 2018



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