



STATE OF NEW JERSEY

In the Matter of Ashley Lauderdale,
Police Officer (S9999U), Newark

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2018-3461

List Removal Appeal

ISSUED: OCTOBER 19, 2018 (SLK)

Ashley Lauderdale appeals her removal from the eligible list for Police Officer (S9999U), Newark, on the basis of falsification of her pre-employment application.

By way of background, the appellant’s name appeared on certification OL170528 that was issued to the appointing authority on April 28, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant’s name, contending that she falsified her application.

Specifically, the appointing authority’s background report indicates that question 52 on the application asked the appellant if she ever received a summons for a violation of the Motor Vehicle laws; however, she omitted 10 traffic summonses from October 2004 to August 2014. Additionally, question 55 asked the appellant if she had ever been in a motor vehicle accident, and although she listed three accidents, she did not provide any details concerning these accidents.

On appeal, the appellant presents that she was asked to provide her driver’s abstract with her application, which she did. She notes that the driver’s abstract only goes back for five years. The appellant also indicates that she did provide a notarized narrative regarding her June 2, 2017¹ accident with her application. She states that while she knew she was involved in other accidents, she could not remember all the details. Similarly, the appellant represents that she could not recall all the driving

¹ The appointing authority indicates that the appellant was involved in accidents on March 19, 2011, May 17, 2012 and June 1, 2012.

summonses she received during her entire driving history. She explains that when she received a traffic summons, she paid the fine, and since these summonses did not have any negative impact, she did not remember them. The appellant states that there were other traffic summonses that she did recall that were not on her driver's abstract which she listed on her application. The appellant believes that when she revealed to the appointing authority that she was involved in the employment process with another appointing authority, it "trapped" her by requiring her to provide all information concerning her driving history which she could not recall, and by not explaining how she could retrieve this information. She argues that the appointing authority has not presented any evidence that she intentionally omitted information. The appellant indicates that, because of the way she has been treated, she is no longer interested in a position with the appointing authority. However, she is requesting that her name be restored to the list so that she can be considered for public safety employment by other appointing authorities and so that she will not have to advise these other appointing authorities that her name was removed for falsifying documentation, which she did not intentionally do.

In response, the appointing authority, represented by Courtney Durham, Assistant Corporation Counsel, reiterates that the appellant received 10 driving summonses between 2004 and 2010 which she did not list on her application. Further, it emphasizes that she did not provide any details for the three traffic accidents that were listed on her application. It explains that candidates are advised that they need to provide complete information on their applications and the failure to do so is cause for removal. The appointing authority argues that the appellant should have done her due diligence and provided complete information as instructed and she has not met her burden of proof that its decision to remove her name was in error.

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 Civil Service Commission (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. *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, the appellant submitted her five-year driver's abstract which indicated that she received a motor vehicle summons in August 2015 and was involved in a motor vehicle accident on June 1, 2012. Additionally, she states that she provided a notarized statement for a June 2, 2017 accident.² Even assuming that

² The record is unclear if the appellant was involved in another accident on June 2, 2017 or if this is a mistake and she is referencing the June 1, 2012 accident.

the Commission accepts this information as satisfying her disclosure requirements for these incidents, it is clear that the appellant failed to disclose nine motor vehicle summonses and failed to provide complete information for at least two motor vehicle accidents. While the appellant asserts that she provided information to the best of her memory and did not intentionally falsify or omit information and complains that she was not given the instructions as to how she could research her entire driving history, it is noted that a candidate is responsible for the completeness and accuracy of their application. See *In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Further, 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. Therefore, even if there was no intent to deceive, in light of the appellant's driving record that included at least 10 motor vehicle summonses, with the last incident being in August 2014 only two years prior to the August 2016 closing date, as well as being involved in three motor vehicle accidents, her failure to disclose these additional summonses and complete information for accidents was material. At minimum, the appointing authority needed this information to have a complete understanding of the appellant's background in order to properly evaluate her candidacy. *In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). Specifically, the appointing authority needed this information in order to determine if the appellant's driving record showed a pattern of disregard for the law and questionable judgment. In this regard, the Commission notes that it has upheld the removal of law enforcement candidates in innumerable cases based on an unsatisfactory driving history. See *In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

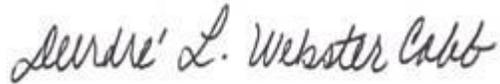
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Police Officer (S9999U), Newark eligible list.

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 17th DAY OF OCTOBER, 2018



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