



STATE OF NEW JERSEY

In the Matter of Karen Roa,  
Sheriff's Officer (S9999U),  
Passaic County

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2018-3052

List Removal Appeal

ISSUED: SEPTEMBER 7, 2018 (JET)

Karen Roa appeals the removal of her name from the Sheriff's Officer (S9999U), Passaic County, eligible list on the basis of failure to complete pre-employment processing.

The appellant took the open competitive examination for Sheriff's Officer (S9999U), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified to the appointing authority on September 29, 2017 (OL171146). 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 complete pre-employment processing. Specifically, the appointing authority asserted that the appellant failed to properly complete the employment application. It also indicated that the appellant has an unsatisfactory driving record.

On appeal, the appellant argues that her name should be restored to the eligible list. She does not provide any further arguments or documentation in support of her appeal.

In response, the appointing authority maintains that the appellant's name should be removed from the list. Specifically, the appointing authority relies on documentation from the background investigation it conducted that resulted in the removal of the appellant's name from the list. In this regard, the appointing authority provides a copy of the appellant's employment application to show that

she did not complete various questions on the application.<sup>1</sup> In this regard, the appellant did not complete question number 7g on page 15, question 12 on page 19, the voucher on pages 33 and 34, question 41 on page 35, question 41c on page 35, and the affidavit of understanding on page 45. Moreover, the appointing authority provides a copy of the appellant's driving abstract which reflects non-payment of insurance surcharges on August 23, 2015 and August 10, 2014; failure to comply with court installment order on September 5, 2014; no liability insurance on April 28, 2014; leaving the scene of an accident on April 28, 2014; abandoning vehicle on April 3, 2014; driving while suspended on April 23, 2014; accidents on May 19, 2014 and November 6, 2008; careless driving on April 23, 2014; uninsured motor vehicle on February 23, 2014 and on January 24, 2014; and improper display/fictitious plates on December 29, 2009. Additionally, the appellant's driver's license and commercial driver's license was suspended from April 22, 2014 to April 22, 2015, and from August 23, 2015 to September 1, 2015. Her registration was suspended from February 23, 2014 to March 6, 2014.

### CONCLUSION

*N.J.A.C. 4A:4-4.7(a)1*, in conjunction with *N.J.A.C. 4A:4-6.1(a)9*, allows the Civil Service Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment. Additionally, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. *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); *In the Matter of Yolanda Colson, Correction Officer Recruit (S9999A), Department of Corrections*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003). *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 case, the appellant's omissions from her employment application are sufficient cause to remove her name from the eligible list. It is clear that she failed

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<sup>1</sup> It is noted that the appointing authority provided the appellant with instructions entitled "Civil Service Application Breakdown for Candidates" which indicated in bold print: Do not leave any questions blank . . . [b]lank questions will be viewed as an omission, which can result in your dismissal from the pre-employment process. If something does not apply, use N/A= not applicable.

to disclose information in her background in response to the questions in the employment application. In this regard, in response to question 7g on page 15 on the employment application, "[i]n chronological order, list each and every place in which you have lived during the past 10 years, beginning with your present address below, the appellant failed to list any information. In response to question 12 on page 19 of the application, "list names of two friends and/or associates other than vouchers," the appellant failed to list any information. Additionally, in response to the instructions on page 33 of the application, which indicate "upon completion of this application, the applicant must obtain three reputable citizens who will vouch for the honesty, reputation, and ability of the applicant. These individuals are not to be sworn members of the department or persons listed in any other section of the application. All information will be treated confidential," the appellant did not provide any information. In response to question 41 on page 35 of the application, "driver's license number," the appellant did not provide any information. In response to question 41c on page 35 of the application, "Have you ever received a summons for a violation of the Motor Vehicle Laws in this or any other State," the appellant failed to provide a response. In response to the question on page 45 of the employment application, "Have you ever been arrested, indicted, charged with or convicted of a criminal or disorderly offense in this State or in any other jurisdiction," the appellant failed to provide a response. The information noted above, which the appellant failed to disclose, is considered material and should have been accurately indicated on her employment application.

Additionally, the appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether or not she should remain eligible to be a law enforcement officer. The appellant's driving record indicates that her driver's licenses were suspended on two occasions. The first suspension spanned a period of one year, from April 2014 to April 2015. Her driving record also indicates numerous violations of the motor vehicle laws of New Jersey. In that regard, her complete driving record is considered for this matter. Such infractions show a pattern of disregard for the motor vehicle laws and rules and questionable judgment on the appellant's part. Such qualities are unacceptable for an individual seeking a law enforcement position. Therefore, it is clear from the record that the appellant's driving record reflects on the appellant's character and her suitability for the position at issue. In this regard, it is recognized that Sheriff's Officers are law enforcement employees that promote adherence to the law and, 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). See also *In re Phillips*, 117 N.J. 567 (1990).

Accordingly, the appointing authority has submitted sufficient evidence to support the removal of the appellant's name from the eligible list for Sheriff's Officer (S9999U), Passaic County.

**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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