



STATE OF NEW JERSEY

In the Matter of Oscar Segui,
 Sheriff's Officer (S9999U), Camden
 County Sheriff's Office

CSC Docket No. 2019-599

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

List Removal Appeal

ISSUED: JANUARY 22, 2019 (SLK)

Oscar Segui appeals his removal from the eligible list for Sheriff's Officer (S9999U), Camden County Sheriff's Office (Sheriff's Office) on the basis that he falsified his application.

The appellant took the open competitive examination for Police Officer (S9999U), achieved a passing score, and was ranked on the subsequent eligible list. In seeking his removal, the appointing authority indicated that the appellant falsified his application.

On appeal, the appellant presents that he misunderstood a question concerning whether he had previously taken an examination for the Sheriff's Office. Although the appellant acknowledges that he answered "No" when he had, in fact, taken a prior examination for a position with the Sheriff's Office, he explains that he thought this question meant had he taken a prior examination other than a prior Civil Service examination for a position with the Sheriff's Office.

Regarding a question asking if the appellant had ever been rejected by another law enforcement agency for employment, he acknowledges that he failed to disclose that he had previously been rejected for a position with the Department of Corrections because he supplied false information concerning a motor vehicle accident that took place in 2008. He explains that he honestly forgot because this rejection took place about six years ago. The appellant presents that he had been

rejected for this position because he did not have a copy of the police report for this incident and wrote a summary of an accident that took place three years prior to completing that application based on his memory, which was inaccurate. However, he did submit a copy of the 2008 accident report with the subject application. The appellant also indicates that he disclosed that he was rejected for a position with the Camden County Department of Corrections due to failing the psychological examination.

The appellant presents that he had been previously been certified for a position with the Sheriff's Office in February 2015 because he passed his background investigation. He notes that he had been scheduled for a medical and psychological examination, however; he could not attend because he was deployed. The appellant states he made a copy of that application and he copied it word for word on his current application. Therefore, he does not understand how he failed the background investigation after he returned home from this deployment. The appellant represents that in February 2015, he had the opportunity to review his application with the investigator and address any concerns. Therefore, he questions why he was not given this same opportunity with his current application.

In reply, the appointing authority presents that the appellant failed disclose a speeding ticket he received in January 2017. Additionally, it states that the appellant failed to disclose multiple motor vehicle violations.¹ Further, after being in a motor vehicle accident, he received a careless driving charge in October 2017 and then he received a failure to appear in court charge in November 2017 concerning this charge. Additionally, the appellant failed to indicate that the Sheriff's Office had previously investigated his background in 2015 and 2016. Moreover, he failed to disclose he applied for a position with the Department of Corrections and was removed for giving false information to investigators, which he also failed to disclose on applications with the Sheriff's Office in 2015 and 2016, and he failed to disclose that he applied for a position with the New York City Police Department in 2013. In addition to falsification, the appointing authority presents that the appellant described on his application an August 2010 incident where he told his son's mother-in-law that he would have his other sister beat her up and that matter went to court where it was dismissed.

In response, the appellant states that the appointing authority's claim that he did not appear in court in response to an October 2017 careless driving charge is incorrect. He submits a document to show that he appeared in court in December 2017 and the charge was downgraded to obstructing a passage of other vehicles.

¹ The background report indicates that the appellant received numerous motor vehicle violations between June 2008 and October 2017 and his driver's license was suspended between November 11, 2010 through December 9, 2010. However, other than the January 2017 speeding ticket, the record is unclear as to which motor vehicle violations that the appointing authority is alleging that the appellant failed to disclose.

Concerning the allegation that the appellant failed to disclose multiple motor vehicle violations, he represents that he disclosed all the violations that were on his driver's abstract. The appellant acknowledges that he did receive a motor vehicle violation in January 2017 in Rochester, New York that was dismissed. He indicates that this violation was not on his driver's abstract, which is why he forgot about it. However, he claims that since this violation was not on his driver's abstract, he did not omit it. Regarding his prior application with the appointing authority, the application asks, "Have you ever previously taken an examination for the Camden County Sheriff's Office?" The appellant asserts that he misunderstood the question as he interpreted it as meaning had he ever taken another examination for the appointing authority other than a Civil Service examination, which he had not. Concerning the allegation that he failed to disclose on prior applications in 2015 and 2016 that he applied for positions with the Department of Corrections and the New York City Police Department (NYPD), he states that he did apply for a position with the Department of Corrections in 2014 and was removed because his statement about an August 2010 incident did not match the police report. He explains that there are two sides to every story, that he wrote his side of the story, and his side of the story did not exactly match the police report. The appellant indicates that he was charged with harassment for the incident, which was dismissed. The appellant indicates that although he did take an examination to work for NYPD, he never filled out an employment application. Therefore, he claims that he did not omit that he applied for a position with NYPD and forgot about it.

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.

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. In this matter, the appellant failed to disclose that he previously applied for a position with the Department of Corrections where he was removed for supplying false information. While the appellant claims that he forgot, the appointing authority indicates that the

appellant also failed to disclose this information on prior applications to the Sheriff's Office, failed to disclose that he had previously been investigated by the Sheriff's Office in 2015 and 2016 and failed to disclose that he applied for a position with the NYPD in 2013. Further, the appellant's explanations that he misunderstood the question concerning prior applications with the appointing authority or that he only took the NYPD examination, but did not fill-out an application, are not persuasive. Consequently, the Commission finds the information that the appellant failed to disclose is considered material and should have been accurately indicated on his employment application. His failure to disclose this information is indicative of the appellant's lack of integrity and questionable judgment. Such qualities are unacceptable for an individual seeking a position as a Police Officer. *See Moorestown v. Armstrong*, 89 N.J. Super. 560, 566 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990).

Additionally, the appointing authority indicated that the appellant failed to disclose numerous motor vehicle violations and that he failed to appear in court in November 2017 concerning one charge. While the appellant explains that he forgot about the Rochester, New York ticket because it was not on his driver's abstract, the appellant is responsible for the accuracy of his application. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004) and *In the Matter of Jeffrey Braasch* (MSB, decided December 1, 2004). Moreover, the fact the appellant appeared in court in December 2017 for the October 2016 careless driving citation is not evidence that he did not fail to appear in court in November 2017 for this charge. Further, even if there was no intent to deceive, considering the appellant's driving record, which includes numerous motor vehicle violations, including two motor vehicle violations after the August 31, 2016 subject examination closing date, his driver license being suspended, and a failure to appear in court concerning one of the recent motor vehicle violations, his failure to disclose this information was material. At minimum, the appointing authority needed this information to have a complete understanding of his background in order to properly evaluate his candidacy. *See 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).

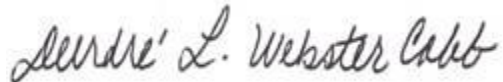
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Sheriff's Officer (S9999U), Camden County Sheriff's Office eligible list.

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 16th DAY OF JANUARY, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Oscar Segui
Gilbert Wilson, Sheriff
Judith Inverso
Kelly Glenn