



**STATE OF NEW JERSEY**

In the Matter of Lorenzo Guanci,  
Correctional Police Officer (S9988U),  
Statewide

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

CSC Docket No. 2019-2453

List Removal Appeal

**ISSUED: AUGUST 5, 2019**

**(SLK)**

Lorenzo Guanci appeals his removal from the eligible list for Correctional Police Officer (S9988U), Statewide, on the basis of falsification of his employment application.

By way of background, on April 3, 2018, the Department of Corrections (Corrections) sent a notice to the appellant indicating this his name had been removed from the list for falsification of his employment application. Specifically, it indicated that the appellant failed to disclose on his application that in 2000, he was charged with criminal mischief. It is noted that the S9988U eligible list expired on June 18, 2019.

On appeal, the appellant acknowledges that in 2000, he was charged with criminal mischief for an incident where he drew an obscene picture on a gas station bathroom door where a few of his friends were working at the time. The charge resulted in him apologizing to the owner and removing the drawing. Thereafter, the matter was dismissed. The appellant apologizes for not remembering this incident that took place 19 years ago when he was 21 years old.

In response, the appointing authority initially argues that the appellant's omission violated its criteria for removing a candidate from a list. Additionally, it indicates that in 2000, the appellant was charged with drawing male genitalia on the exterior bathroom door of a gas station. It emphasizes that its criteria for removal states that a candidate may be removed for failing to disclose all requested information. The appointing authority presents that it cannot determine with

absolute certainty whether the omission of this charge by the appellant was willful. Therefore, it is requesting the appellant's name be removed.

### 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.

Initially, although the appointing authority argues that the appellant violated its criteria for removal, the Commission notes that it was not bound by criteria utilized by the appointing authority and must decide each list removal on the basis of the record presented. See *In the Matter of Debra Dygon* (MSB, decided May 23, 2000).

In the instant matter, the appointing authority did not have a valid reason to remove the appellant's name from the list. 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 case, the appointing authority has not made any argument that the omitted information was relevant in determining whether the appellant currently has the good judgment and character to be a Correctional Police Officer. Instead, it simply requests that the appellant's name be removed because he failed to disclose requested information as required. However, given that this was a relatively minor infraction that took place nearly 19 years ago when the appellant was 21 years old and there is no evidence presented that this incident was part of a pattern of behavior<sup>1</sup> that would call into question his current ability to be a Correctional Police Officer, the Commission finds that the omitted information was not material.

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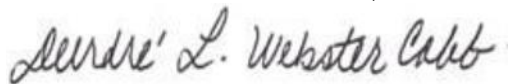
<sup>1</sup> Additionally, the record indicates that the appellant was involved an incident that took place at a diner in 2007. The appellant describes it as a conformation with a group of patrons at the diner who were throwing food. The police report indicates that the scene was cleared, and the incident was closed. The appointing authority has not referenced this incident in response to the appeal. Further, even it had, as the 2007 incident was relatively minor and took place approximately nine years prior to the August 31, 2016 closing date, this incident would not be sufficient for removal from the list.

**ORDER**

Therefore, it is ordered that this appeal be granted and the list for Correctional Police Officer (S9988U), Statewide 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 31<sup>st</sup> DAY OF JULY, 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: Lorenzo Guanci  
Veronica Tingle  
Kelly Glenn