



**STATE OF NEW JERSEY**

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

In the Matter of Lateena Sykes,  
Correctional Police Officer (S9988A),  
Department of Corrections

List Removal Appeal

CSC Docket No. 2020-638

**ISSUED: JANUARY 17, 2020** (HS)

Lateena Sykes appeals the removal of her name from the eligible list for Correctional Police Officer<sup>1</sup> (S9988A), Department of Corrections on the basis of falsification of the preemployment application.

The appellant, a non-veteran, took and passed the open-competitive examination for Correctional Police Officer (S9988A), which had a closing date of January 31, 2019. The resulting eligible list promulgated on June 27, 2019 and expires on June 26, 2021. The appointing authority requested the removal of the appellant’s name due to falsification of her preemployment application. Specifically, the appointing authority asserted that the appellant failed to disclose that on August 24, 1994, she was charged with disorderly conduct in violation of *N.J.S.A. 2C:33-2a(1)*, of which she was found guilty, and that on July 23, 1996, she was charged with theft of services in violation of *N.J.S.A. 2C:20-8a*, which was dismissed.

On appeal to the Civil Service Commission (Commission), the appellant states that she initially did not recall either charge but visits to the court systems involved brought light to the matters. The appellant explains that the theft of services charge stemmed from her and her then-fiancé’s rental of tables. She states that at that time in their relationship, she allowed her fiancé (now husband) to have the upper hand of their finances and banking accounts as he was the “man of the

<sup>1</sup> Pursuant to *N.J.S.A. 11A:2-11.1*, effective May 1, 2018, the title of Correction Officer Recruit has been retitled to Correctional Police Officer.

house” and she was raised with “old school traditions.” The appellant states that she clearly recalls renting the tables but did not recall the matter escalating to a court case, which is why she did not list the charge on her application. The appellant proffers that she would have remembered the specifics and listed the charge had she been more hands-on with the matter. According to the appellant, her husband remembered the matter and explained that he had failed to make the payments due to a minor financial setback they were having at the time but eventually came up with the money and paid in full, resulting in dismissal of the case without a court appearance. In support, the appellant provides, in relevant part, a copy of the police investigation report. The report lists both the appellant and her then-fiancé as accused parties with the same address and indicates that the complainant signed two “summons/warrant[s].”

Turning to the disorderly conduct charge, the appellant asserts that this was an isolated incident that did not involve her personally and that may have involved a fight between her sister and another individual. According to the appellant, a police officer who arrived on the scene asked her what had happened, and she began explaining. The officer responded that the appellant was to come with him as they were taking everyone to the police station. The appellant states that she remembers asking the officer why she was going, and the officer assured her that she was not under arrest and would not be held long. Thus, she followed his command. The appellant states that as of now, she cannot recall being at the station, cannot say if she gave a statement or signed any papers, and does not remember going to court.

In response, the appointing authority indicates that it stands with its original decision to remove the appellant’s name from the eligible list. It maintains that the instructions in the preemployment application clearly required the appellant to disclose her charges but that she failed to do so. It is noted that the application stated that “it is mandatory that you disclose all charges” including dismissed charges and that “everything must be disclosed on this application regardless of the outcome.” In support, the appointing authority submits a copy of the appellant’s preemployment application and documentation of the appellant’s charges from the New Jersey Automated Complaint System (ACS). With respect to the disorderly conduct charge, the ACS documentation indicates an arrest date of August 24, 1994 with the appellant listed as defendant. With respect to the theft of services charge, the ACS documentation lists the appellant as co-defendant.

In reply, the appellant questions the validity of the disorderly conduct charge since she still has no recollection of it. The appellant’s “theory” is that her sister may have given her name while in custody, but the appellant admits she has no proof.

## 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 Commission to remove an eligible's name from an eligible list when 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 her name from an eligible list was in error.

In this case, the appointing authority maintains that the appellant did not disclose her charges for theft of services and disorderly conduct on her preemployment application. Although the appellant states that she did not recall the theft of services charge, the related police investigation report indicates that the complainant signed two summonses, for the appellant and her then-fiancé respectively, and the ACS documentation clearly references the appellant. While the appellant states that she also does not recall the disorderly conduct charge as she was not personally involved in the underlying incident and suggests that her sister may have given the appellant's name while in custody, the ACS documentation, again, clearly references the appellant. The appellant even acknowledges that she has no proof of her sister's alleged action. As such, the Commission cannot credit her base assertion. Upon review of the record then, it is clear that the appellant did not disclose her charges on her preemployment application. It must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as a Correctional Police Officer, to ensure that her preemployment application is a complete and accurate depiction of her history. In this regard, 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 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. An applicant must be held accountable for the accuracy of the information submitted on an application for employment and risks omitting or forgetting any information at her peril. See *In the Matter of Curtis D. Brown* (MSB, decided September 5, 1991) (An honest mistake is not an allowable excuse for omitting relevant information from an application).

The appellant's omissions in this case are sufficient cause to remove her name from the eligible list. The instructions in the preemployment application clearly indicated that applicants were required to disclose all charges, even if dismissed. The type of omission presented is clearly significant and cannot be condoned as such information is crucial in an appointing authority's assessment of a candidate's suitability for the position. Indeed, an appointing authority's

assessment of a prospective employee could be influenced by such information, especially for a position in law enforcement. Therefore, the information noted above, which the appellant failed to disclose, is considered material and should have been accurately indicated on her application. The appellant's failure to disclose the information is indicative of her questionable judgment. Such qualities are unacceptable for an individual seeking a position as a Correctional Police Officer. In this regard, the Commission notes that a Correctional Police Officer is a law enforcement employee who must help keep order in the State prisons and promote adherence to the law. Correctional Police Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and the 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). The public expects prison guards to present a personal background that exhibits respect for the law and rules. Accordingly, there is a sufficient basis to remove the appellant's name from the subject 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 15<sup>TH</sup> DAY OF JANUARY, 2020



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