



**STATE OF NEW JERSEY**

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

In the Matter of Joseph Dougherty,  
Building Inspector (M0357B),  
Camden

Examination Appeal

CSC Docket No. 2021-552

**ISSUED: DECEMBER 21, 2020  
(SLK)**

Joseph Dougherty appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the licensing requirements for the open competitive examination for Building Inspector (M0357B), Camden.

The subject examination had a March 6, 2020 closing date. The license requirement was possession of a valid Building Inspector's License (ICS) issued by the State's Department of Community Affairs (DCA). A total of three candidates applied for the subject examination and two were found eligible. Certification OL200891 was issued and its disposition is due February 17, 2021. The list expires on November 11, 2023.

On the appellant's application, he listed his license as "ICS Pending" with an issue date of July 1, 2019 and an expiration date of July 1, 2022. He also attached a notice from the National Certification Program for Construction Code Inspectors that indicated that he passed the "Building Inspector – General" examination on March 5, 2020. The notice advised that for him to obtain his license, he needed to contact the appropriate code organization. Agency Services determined that he was not eligible as he did not possess the required license as of the closing date.

On appeal, the appellant states that his application indicated that he had submitted college certifications and notices evidencing that he passed the ICS exam, which indicated that he was trained, qualified and able to perform the duties of the subject title. He presents that he submitted the login number that DCA provided as

an identifier until his actual license was assigned and that it was his license number that was pending and not his certification. The appellant asserts that he identified his license as “pending” because he did not want to give false information. In hindsight, he believes that he should have identified his license as “provisional” instead of “pending.” The appellant submits his ICS license number, which has a May 28, 2020 effective date and expires on July 31, 2023.

### CONCLUSION

*N.J.A.C.* 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

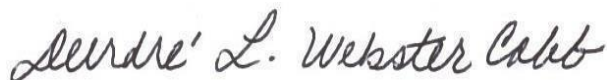
In this matter, Agency Services correctly determined that the appellant was ineligible as he did not have a valid ICS license number issued by DCA by the March 6, 2020 closing date. However, on appeal, the appellant provides proof that he obtained the required license after the closing date. Additionally, the eligible list is incomplete as it only contains two names. Admitting the appellant will allow the appointing authority to have a complete list. Therefore, the Commission finds good cause under *N.J.A.C.* 4A:1-1.2(c) to relax the provisions of *N.J.A.C.* 4A:4-2.3(b) and accept the appellant’s ICS license issued by DCA that was effective after the closing date, for eligibility purposes only, and admit him to the subject examination.

### ORDER

Therefore, it is ordered that the appeal be granted, and the appellant’s application be processed 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 16<sup>TH</sup> DAY OF DECEMBER 2020




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