



STATE OF NEW JERSEY

In the Matter of Albert Ouellette,
Police Officer (S9999A), Township of
Mount Laurel

CSC Docket No. 2022-322

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

List Removal Appeal

ISSUED: DECEMBER 20, 2021 (PS)

Albert Ouellette appeals the decision to remove his name from the Police Officer (S9999A), Township of Mount Laurel, eligible list on the basis of falsification of his application.

The appellant took the open competitive examination for Police Officer (S9999A), which had an August 2019 closing date, 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. Specifically, it represented that he failed to list that his license had been suspended two times between 2007 and 2008. In addition, in response to the question on the application “Have you ever been arrested or charged with a violation of any State’s Disorderly Persons Act or any City Ordinance even if you were later found “not guilty?” appellant answered “No”. However, he neglected to list that he was issued a summons in Cherry Hill on May 3, 2010, for violating Ordinance 22-1.1, Parks and Receptions hours. Additionally, a summons was issued from the Cherry Hill Police Department regarding a suspicious vehicle incident and the charge disposition indicated a guilty plea.

On appeal, the appellant states that he never intended to try to conceal or falsify his background application but states that he did not recall any motor vehicle suspensions that he received at the time he was filling out his background application. He presents that he submitted all the documents that were necessary and filled out the application to the best of his ability. Additionally, he indicates that he emailed the Detective with an explanation that it was not his intention to mislead anyone in any way with his prior background history. The appellant was able to obtain a copy of his

certified driver abstract, but it only listed his violations for the past five years. Furthermore, the appellant contends that the “withheld information” was acts of omission, due to his failure to recall incidents that happened over 10 years ago.

Additionally, the appellant argues that he should not be removed from the list and the Civil Service Commission (Commission) should reconsider his removal. He states that he did not intentionally withhold information that he was clearly not aware of. Moreover, the appellant presents that the pandemic made it impossible to obtain the records he needed to list his motor vehicle history in the detail that was asked and the timeframe that was needed.

The appointing authority, represented by Albert K. Marmero, Esq., maintains that despite the appellant acknowledging that he read and understood all the questions, he did not answer multiple questions truthfully. It asserts that appellant did not disclose that he was issued a summons by the Cherry Hill Police Department of May 3, 2010, for violating Township Ordinance 22-2.1. According to the police report, the appellant and a female individual were found, after hours, in a vehicle located in a parking known to the reporting officer as a drug area. Further, the appellant pled guilty to violating Township Ordinance 22-1.1. Additionally, the appointing authority contends that the appellant answered falsely under section “Motor Vehicle History” to the Question “Was your motor vehicle registration, certificate, driver’s license or, or other vehicle operator’s license ever revoked or suspended?” where he answered “no” when in fact, his license was suspended twice. Furthermore, the appointing authority contends that whether the appellant intentionally falsified his application is irrelevant; the mere act alone is enough to disqualify appellant.

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 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 primary inquiry regarding the removal of a candidate’s name based on the falsification of his or her employment application 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. *See In the Matter of Nicholas D’Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003).

In this matter, the appointing authority had a valid reason for removing the appellant's name from the list. Specifically, the appellant failed to disclose incidents in his background history which include two license suspensions between 2007 and 2008. Additionally, he neglected to disclose that he was issued a summons in Cherry Hill on May 3, 2010. Furthermore, a summons was issued from Cherry Hill Police Department regarding a suspicious vehicle incident and the charge disposition indicated a guilty plea. While the appellant may believe that these omissions were not intentional or material, candidates are responsible for the accuracy of their applications. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Moreover, even if there was no intent to deceive, 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). In this regard, it is recognized that a Police Officer is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. 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). The public expects Police Officers to present a personal background that exhibits respect for the law and rules. The appellant's failure to fully disclose material information on his application falls short of that expectation.

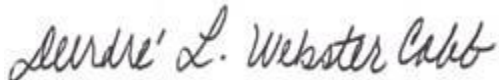
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Police Officer (S9999A), Township of Mount Laurel, eligible list.

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 15TH DAY OF DECEMBER, 2021



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