



STATE OF NEW JERSEY

In the Matter of Jeffrey Adams,
County Correctional Police Officer
(S9999U), County of Essex

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

CSC Docket No. 2021-36

List Removal Appeal

ISSUED: MARCH 26, 2021 (PS)

Jeffrey Adams, represented by Giovanna Giampa, Esq., appeals the decision to remove his name from the County Correctional Police Officer (S9999U), County of Essex, eligible list on the basis of falsification of his application.

The appellant took the open competitive examination for County Correctional Police Officer (S9999U), which had an August 2016 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 in response to the question on his application, "Has your operator's license and/or your vehicle registration ever been suspended or revoked in New Jersey or any other states?" the appellant answered "once". However, an inquiry into the New Jersey Automated Traffic system indicated that his drivers' license was suspended 14 times between 1988 and 2011. Furthermore, in response to the question "Have you ever been served with a summons or a subpoena, including traffic violations in New Jersey or any other State?" the appellant only listed traffic tickets that were dismissed. Moreover, in response to the question "Have you ever been issued a parking ticket or summons?" the appellant listed only traffic tickets that were dismissed. Records indicate that the appellant has received eight moving violations.

On appeal, the appellant states that he never denied his past suspensions but instead contends that he had previously resolved any outstanding tickets from the past and does not currently have any active tickets. He presents that while the records show the his license was suspended, the suspensions were administrative in nature and have since been resolved by way of fine payments. Additionally, he indicates that at no point on his application did he state that his license had never been suspended, that he had never had a car accident, or that he never received any traffic violations or parking

tickets. Furthermore, the appellant contends that the “withheld information” were acts of omissions, due to his failure to recall incidents that happened between 10 and 30 years ago.

Additionally, the appellant argues that he should not be removed based on New Jersey Department of Corrections guidelines and outlines the basis for which an applicant can be removed. He states that although he has an Obstructing Passage of Other Vehicles violation, he paid his fine on April 12, 2018 and his prior violation was from July 6, 2012. Moreover, the appellant presents a letter of recommendation from the Deputy Warden of Security at Phillips State Prison. Lastly, the appellant argues that he is currently employed as an Armed Guard for the Custom Protectives Services and states he would not have been hired if his driving record was at issue.

Despite the opportunity, the appointing authority did not present any submissions for review by the Civil Service Commission (Commission).

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).

Initially, the Commission rejects the appellant’s arguments regarding the New Jersey Department of Corrections guidelines. In this regard, these guidelines only apply to State Correctional Police Officers and have no bearing on Essex County’s decision. Regardless, the Commission is not bound in any way by an appointing authority’s internal standard in assessing the propriety of a candidate’s removal from a list. *See In the Matter of Joseph Hutsebaut* (CSC, decided April 19, 2017).

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 moving violations between the

years of 1988 and 2019 and numerous parking tickets. Additionally, the appellant's driver's abstract revealed he has had 14 license suspensions between 1988 and 2011. While the appellant may believe that he did not need to disclose this information, 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, given the number and scope of the moving violations, parking tickets and license suspensions, 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). In this regard, it is recognized that a County Correctional Police Officer is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. County 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 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 Correctional Police Officers to present a personal background that exhibits respect for the law and rules.

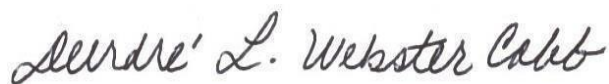
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the County Correctional Police Officer (S9999U), County of Essex, eligible list.

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 24TH DAY OF MARCH, 2021



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