



**STATE OF NEW JERSEY**

In the Matter of Maria Perez,  
Police Officer (S9999A), Township of  
West Orange

CSC Docket No. 2021-892

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

List Removal Appeal

**ISSUED: MAY 24, 2021 (PS)**

Maria Perez, represented by Robert K. Chewning, Esq., appeals the decision to remove her name from the Police Officer (S9999A), Township of West Orange, eligible list on the basis of falsification of her 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 her removal, the appointing authority indicated that the appellant falsified her application. Specifically, it represented that in response to the question on her application, "Have you ever received a summons for a violation of the Motor Vehicle Laws in this state or any other state?" the appellant answered "No". The appointing authority indicated that she failed to list that on May 28, 2014, she was issued three summonses which included two summonses for failure to wear a seatbelt and one for maintenance of lamps.

On appeal, the appellant states that she never intended to try to conceal or falsify her background application but states that she did not recall any motor vehicle summonses that she received at the time she was filling out her background application. She presents that when she was confronted with the facts surrounding the motor vehicle summonses, she admitted that the vehicle associated with the summonses was her vehicle or a vehicle owned by her family's business. Additionally, she indicates that she was asked to provide answers to over 100 questions regarding her life and provided these answers within a span of one week. The appellant was unable to obtain a copy of her certified driver abstract within the short amount of time that she was required to return a fully responsive application. Furthermore, the

appellant contends that the “withheld information” were acts of omissions, due to her failure to recall incidents that happened over six years ago.

Additionally, the appellant argues that she should not be removed from the list and the Civil Service Commission (Commission) should refer her appeal to the Office of Administrative Law as an “contested case.” She states that submitting this appeal to the OAL will allow for full discovery in the matter to determine the actual reason for her removal. Moreover, the appellant presents that she is a hard-working individual who has worked for her family businesses for the past seven years. She argues that she is a mother who volunteers her time at the school that her children attend, and she wants to pursue her passion for service and protecting the community she loves.

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

## CONCLUSION

Initially the appellant requests a hearing in this matter. List removal appeals are treated as reviews of the written record. *See N.J.S.A. 11A:2-6b.* Hearings are granted in those limited instances where the Civil Service Commission determines that a material and controlling dispute of fact exists which can only be resolved through a hearing. *See N.J.A.C. 4A2-1.1(d).* No material issue of disputed fact has been presented which would require a hearing. *See Belleville v. Department of Civil Service, 155N.J. Super.517(App.Div.1978).* In this regard, there is no need to hold a hearing to ascertain the “actual reason” for her removal from this list.

*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 her background history which include two summonses for failure to wear a seatbelt and one for maintenance of lamps. 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, given the appellant did have motor vehicle summonses, her failure to disclose this was material. At minimum, the appointing authority needed this information to have a complete understanding of her background in order to properly evaluate her 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 her application falls short of that expectation.

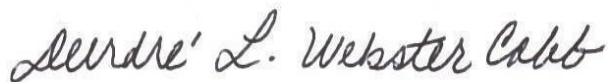
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Police Officer (S9999A), Township of West Orange, eligible list.

### 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 19<sup>TH</sup> DAY OF MAY, 2021



---

Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Division of Appeals  
& Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Maria Perez  
Robert K. Chewning, Esq.  
Robert D. Parisi, Mayor  
Division of Agency Services  
Records Center