



**STATE OF NEW JERSEY**

In the Matter of Rachel Adams, Parole Officer Recruit (S1000A), State Parole Board	:	<b>FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION</b>
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CSC Docket No. 2021-1332	:	
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	:	List Removal Appeal
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**ISSUED: SEPTEMBER 7, 2021 (SLK)**

Rachel Adams appeals the decision to remove her name from the Parole Officer Recruit (S1000A), State Parole Board eligible list on the basis of an unsatisfactory background report.

The appellant took the open competitive examination for Parole Officer Recruit (S1000A), State Parole Board, which had an June 21, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. Her name was certified (OS200261) and she was ranked as the 194<sup>th</sup> candidate. In seeking her removal, the appointing authority indicated that the appellant had an unsatisfactory background report.

On appeal, the appellant presents that she has been a County Correctional Police Officer for Mercer County since December 2016. She states that she handed in everything that was required on her application and the investigator never got back to her. Therefore, the appellant requests to know what was the basis for her removal. She notes that she has gained experience working with inmates with all types of mental states and offenses and completed an internship with the appointing authority in 2016. The appellant believes that there is nothing in her background that should disqualify her from a position in the subject title and her family's lengthy criminal history should not be held against her.

In response, the appointing authority, represented by Tamara Rudow Steinberg, Esq., presents that the appellant did not include original seals college transcripts. It noted that the appellant indicated that she was challenging payments to her university to get her official printed degree, that financial aid and all payments were paid, and the difference was given to her in a check, but she indicated that the university would not release her official transcripts. It states that the appellant did not list any motor vehicle suspensions; however, her certified driver's abstract revealed that her driver's license was suspended 11 times. Further, the appointing authority presents that the appellant listed one traffic/moving violation; however, the Automated Traffic System revealed 33 traffic/moving violations. It also indicates that the appellant failed to appear in court three times since 2013 and 14 times prior to 2013. Therefore, the appointing authority argues that the appellant's name should be removed from the list for falsification and an unsatisfactory background. It submits its background report to support its position.

In reply, the appellant attaches court dispositions from Hamilton Township, Hamilton, Lawrence, Mount Laurel, Piscataway and Hopewell regarding the 17 failures to appear in court presented by the appointing authority. She notes that the 17 listed offenses were tickets that were dismissed, paid, disputed and/or downgraded. The appellant states that she did appear in court on required court dates and many tickets were dismissed. She indicates that she did not include tickets in the application packet because they were either dismissed and/or paid and dismissed. She notes that regarding the 17 traffic violations, five failures to appear were in 2008, 2009 and 2013, where four out of five of these would not be in the appointing authority's stated range of eight years for disqualification criteria. The appellant explains the circumstances regarding these five tickets. Additionally, the appellant explains that she paid her college through grants and loans and did graduate. However, the university sent her a bill claiming that she owed a balance and would not release her official transcripts unless she paid. She did include her unofficial transcript which shows that she graduated. The appellant states that she would have explained the circumstances to the investigator in more detail, but the investigator never followed up with her. She indicates that she was unable to obtain a driver's abstract in October 2020 due to the Covid restrictions and closures. The appellant explains that her 11 suspensions were not license suspensions, but registration suspensions. Further, these suspensions came from either the Trenton Street Sweeper and their inability to leave the ticket on her car so that it would not blow away or her insurance company not providing updated insurance information to the Motor Vehicle Commission. Additionally, the appellant states that when the updated insurance information was given to the Motor Vehicle Commission, the tickets are supposed to be removed. The appellant asserts that she did not list these incidents because she thought they were removed. She states that per the appointing authority's disqualification criteria, these incidents are not areas for disqualification.

In further response, the appointing authority states that the information that the appellant submits from the Hamilton Courts on appeal was available to it when it made its decision to remove her from the list. Further, other documents that the appellant submits on appeal were also considered by the appointing authority in its decision. The appointing authority asserts that the appellant's excuses as to why she did not submit a sealed transcript does not satisfy this requirement. Additionally, the appointing authority states that the appellant falsified her application when she did not list any driver's license suspensions, when her license was suspended 11 times. It notes that she has not submitted any documentation that contradicts this. Moreover, the appointing authority indicates that the appellant could have received her driver's abstract online or by mail. Also, the appointing authority reiterates that the appellant falsified her application by only listing one moving violation from 2007 when there were 33 tickets and the failure to disclose, and not the type of ticket, is the issue. It also emphasizes that the Automated Traffic System indicates that she had three tickets and failures to appear since 2013 and 14 tickets and failures to appear prior to 2013 and these documents prove that the appellant has not provided accurate information and exceeded the number of failures to appear in a particular time. Therefore, the appointing authority argues that the appellant's name should be removed for falsification and an unsatisfactory background.

In further reply, the appellant states that she did not make an excuse regarding her transcript and questions how one is supposed to get an official transcript when the school will not give it to her and the school is closed to the public. She reiterates that she could have discussed this with the investigator if the investigator followed-up with her. Also, if the investigator had followed-up, she could have deferred to the next round or a later date to get the required documents. The appellant asserts that the motor vehicle tickets were tickets that were not paid in time and not failures to appear in court.

### 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 Civil Service Commission (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.

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 his 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.

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment. Additionally, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. *See In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

*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.

Initially, it is noted that it is the Commission and not the appointing authority that sets the standard for removal from an eligible list. *See In the Matter of Joseph Hutsebaut* (CSC, decided April 19, 2017) and the Commission is in no way bound by any criteria it may utilize. *See In the Matter of Debra Dygon* (MSB, decided May 23, 2000).

In this matter, the record indicates that the appellant had 11 driver's license suspensions between 2009 and 2014 and the appellant did not indicate that she had any. Additionally, the record indicated that she had 33 motor vehicle tickets where she only indicated that she had one. Further, the record indicates that she had 17 failures to appear. On appeal, the appellant explains that the suspensions were registration suspensions due to street sweeping violations and not for driving, her failures to appear in court were actually tickets that were paid late and not failures to appear, she did not disclose tickets because they were either paid or dismissed, she could not get her driver's abstract because of closures due to Covid, she thought tickets were removed after her insurance company updated information, and she would have explained these circumstances in more detail had the investigator followed-up with her. However, the Commission finds that the appellant's arguments unpersuasive.

Initially, it is noted that applicants are responsible for the accuracy of their application. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Further, the appointing authority had no obligation to have the investigator follow-up so that the appellant could explain her application in more detail as it was the appellant's obligation to submit a complete and accurate application. Additionally, it is unclear as to why the appellant did not order her driver's abstract online or through

the mail if Motor Vehicle Commission offices were closed. Moreover, even if the appellant thought that certain tickets were paid, dismissed, or somehow removed from her record, she still needed to disclose these violations to the appointing authority. Similarly, whether the failures to appear were actually tickets that were paid late, she needed to fully disclose and explain this. Therefore, even if there was no intent to deceive, in light of the appellant's driving record, her failure to disclose her complete and accurate driving history was material. At minimum, the appointing authority needed this information to have a complete understanding of her background in order to properly evaluate your candidacy. *See In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017).

Further, a Parole Officer Recruit is a law enforcement officer. *See In the Matter of Ritchie Ortiz* (MSB, decided June 26, 2002). In this regard, it is recognized that a Parole Officer Recruit must promote adherence to the law. Parole Officer Recruits, 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 Parole Officer Recruits to present a personal background that exhibits respect for the law and rules. Therefore, as the appellant had consistent negative interactions with the law, this demonstrates that she lacked the good judgment to be a Parole Officer Recruit. Additionally, as the appellant submits paperwork indicating that her last negative interaction with the law was on July 16, 2017<sup>1</sup>, which was approximately two years prior to the subject examination June 21, 2019 closing date, there was insufficient time for her to demonstrate that her driving record and background was rehabilitated. The Commission notes that it need not decide if the appellant's failure or inability to provide a sealed college transcript was grounds for removal as she is being removed for falsification as noted above, and an unsatisfactory driving record.

Additionally, while the appellant's current employer may have found her background sufficient for a position in law enforcement, the appointing authority is not bound by her current employer's decision and is entitled to make its own independent judgment. Accordingly, there is no basis to reinstate the appellant to the Parole Officer Recruit (S1000A) 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.

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<sup>1</sup> The record indicates that the appellant was charged with failure to yield right of way on July 16, 2017, and the charge was dismissed in Hamilton Township Municipal Court on November 1, 2017.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2021

*Deirdre' L. Webster Cobb*

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Deirdré L. Webster Cobb  
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