



STATE OF NEW JERSEY

In the Matter of Sadiyah Webster,
County Correctional Police Officer
(S9999A), Essex County

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

CSC Docket No. 2022-815

List Removal Appeal

ISSUED: JANUARY 21, 2022 (SLK)

Sadiyah Webster appeals the decision to remove her name from the County Correctional Police Officer (S9999A), Essex County eligible list on the basis of falsification of the employment application.

The appellant took the open competitive examination for County Correctional Police Officer (S9999A), Essex County, which had an August 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. Her name was certified (OL200464) and she was ranked as the 2,419th candidate. In seeking her removal, the appointing authority indicated that the appellant falsified her application. Specifically, the appointing authority’s background report indicated that the State Automated Traffic System indicated that she had 62 violations between 2009 and 2020. However, on her application, there were questions asking if the appellant had parking or traffic tickets/summonses and she only indicated six. She was also asked if she was ever involved in a motor vehicle accident, which she did not answer. However, the appellant’s driver’s abstract indicated that she had been involved in motor vehicle accidents.

In response, regarding the 62 motor vehicle violations, the appellant explains that when she lived in East Orange, there was no street parking without a permit, and her apartment building did not have parking. She states that she was unable to obtain a parking permit because her apartment building did not have an on-site representative who could verify that she was a resident. Therefore, the appellant indicates that she took her chances parking on the street as she needed to use her car to commute to work and other engagements. Concerning why she only indicated that she had six violations, the appellant states that she misunderstood and/or misread

the questions as she is well aware that she had more the 62 violations, mostly parking tickets, since she would pay the fines, so her license would not get suspended. The appellant states that she recalls three times her driver's license was suspended when she was a newer driver due to the combination of registration, insurance and speeding violations dating back to 2009, and her failure to appear in court. Additionally, she presents the three additional violations that she identified on her application involved a speeding ticket in Mount Laurel in 2009, a seatbelt violation, and a violation for making a turn on a green arrow, when an officer told her not to do so, but she did not see the officer. The appellant understands that driving is a privilege and she apologizes for misreading the question on her application. She indicates that she has now learned that she needs to take her time on things and not just simply respond to a question. However, the appellant emphasizes that there was no intentional malice on her part. Referring to her not answering a question about her ever being involved in an accident, she acknowledges that she has been in an accident. The appellant states that none of the accidents were her fault as she had her car swiped while parked twice (2013/2014) and a stolen car hit her while in the wrong lane (2000). She reiterates that she did not intentionally withhold information and she just did not fully read the question. The appellant claims that the issues on her application do not reflect that she has a disrespect for the law and these issues do not indicate that she cannot perform the duties of a law enforcement officer.

Although given the opportunity, the appointing authority did not respond and is relying on its background report.

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.

Further, 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. In this regard, 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, the appellant had many motor vehicle related tickets, with some near the August 31, 2019, closing date of the examination announcement. Therefore, even if there was no intent to deceive, in light of that driving record, the appellant's failure to disclose all motor vehicle-related tickets was material. At minimum, the appointing authority needed this information to have a complete understanding of her background to properly evaluate her candidacy. *In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). Regarding the appellant's comments that she misunderstood, misread, and/or failed to thoroughly read the questions on the application, candidates are responsible for the accuracy of their applications. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004).

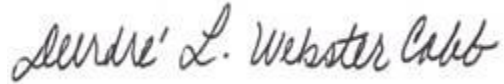
Further, based on the appellant's 62 motor vehicle violation violations between 2009 and 2020, her name could also be removed for an unsatisfactory driving record. In this regard, it is recognized that a County Correctional Police Officer is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. County Correctional Police Officer, 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 County Correctional Police Officer to present a personal background that exhibits respect for the law and rules. Accordingly, the Commission finds that the appellant's removal from the list was proper for all the reasons set forth above, and the appellant failed to meet her burden of proof.

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 19TH DAY OF JANUARY, 2022



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