



STATE OF NEW JERSEY

In the Matter of Ishmael Gomez,
Sheriff's Officer (S9999A), Hudson
County Sheriff's Office

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

CSC Docket No. 2022-1594

List Removal Appeal

ISSUED: APRIL 11, 2022

Ishmael Gomez¹ appeals the decision to remove his name from the Sheriff's Officer (S9999A), Hudson County Sheriff's Office eligible list on the basis of an unsatisfactory background report and falsification of the employment application.

The appellant took the open competitive examination for Sheriff's Officer (S9999A), Hudson County Sheriff's Office, which had an August 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. His name was certified (OL200716) and he was ranked as the 2339th candidate. In seeking his removal, the appointing authority indicated that the appellant falsified his application and he had an unsatisfactory background report.²

On appeal, the appellant asserts that he was completely truthful on his application. The appellant requests to know why his name was removed from the list.

¹ The appellant was represented by Corey M. Sargeant, Esq., in *In the Matter of Ishmael Gomez, North Bergen* (CSC, decided April 6, 2022). In this matter, the appellant indicated that he was representing himself, but he was forwarding the appointing authority's background report to Mr. Sargeant. As neither the appellant nor Mr. Sargeant have indicated that Mr. Sargeant is representing the appellant in the subject matter, the Commissions finds that the appellant filed this appeal *pro se*.

² The certification notice indicated that the appellant was removed for falsification. The appointing authority's background report indicated that it would seek to remove his name for an unsatisfactory background report.

In response, the appointing authority submits its background report. The background report indicates that the appellant failed to list an address in Union City, his address in North Bergen was incomplete, and he failed to list an address in Leonia. Further, his address in November 2019, which is also listed on his credit report, was in Leonia³, which means that he had a break in the required residency after the closing date. Additionally, the appellant indicated that due to the Covid-19 pandemic, he was unable to get an original transcript and college disciplinary letter from Bergen County Community College (BCCC), while it noted that other candidates were able to get these documents from BCCC during this time. Also, while the appellant acknowledged that he was disciplined by BCCC, he did not provide a detailed explanation as required. Moreover, the appellant acknowledged that he was given a verbal warning by his employer, Bluestar Refreshments, for being tardy. Further, he failed to provide his social security work history as required and he did not list Advance Parking Concepts in 2018 as an employer although they were listed on his W-2. Also, while the appellant acknowledged that he received unemployment, he did not provide a detailed explanation as required. Additionally, he listed someone who had not worked for the appointing authority since the early 2000s as a relative who currently worked for it. Moreover, although the appellant listed six motor vehicle tickets, he failed to list 19 motor vehicle tickets including some as recent as 2020. He also failed to indicate a March 2015 park curfew violation. Further, the appellant failed to provide two months of income paystubs, two months of statements for mortgage/rent, internet service and proof of insurance, and 11 open accounts on his credit report.

Although given the opportunity, the appellant did not respond to the appointing authority's submission.⁴

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

³ Leonia is in Bergen County.

⁴ This agency sent the appellant a letter indicating that if it did not receive any argument or response from the parties by March 21, 2022, the record would be closed, and the Commission would review the matter on the existing record. As of March 21, 2022, the appellant did not respond to the appointing authority's background report.

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:4-2.11(g) provides that when the Commission has accepted a single application for one or more title areas, pursuant to *N.J.A.C.* 4A:4-2.3(c), an eligible whose name has been removed from the pool of eligibles for one jurisdiction or title area for cause shall be removed from the pool of eligibles for any other jurisdiction or title area.

N.J.A.C. 4A:4-2.11(e)1 provides that when an appointing authority requires residency as of the date of appointment, residency must be continuously maintained from the closing date up to and including the date of appointment. See *N.J.A.C.* 4A:4-4.7(a)7.

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 the appellant was removed from the subject list in *In the Matter of Ishmael Gomez, North Bergen* (CSC, decided April 6, 2022) for falsification and an unsatisfactory driving record. Therefore, as the appellant's name has already been removed for cause, his name cannot be restored to the subject list. See *N.J.A.C.* 4A:4-2.11(g).

Concerning the merits in this matter, the record indicates that the appellant falsified his application. Specifically, the appellant failed to provide all information and documents as required including all residences, his college transcript and college disciplinary letter, all employers, all unemployment information, 19 motor vehicle violations, two months of paystubs and certain bills, and 11 open accounts on his credit report. It is noted that candidates are held accountable for the accuracy of the

information submitted and any failure to include information was at his peril. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Therefore, even if there was no intent to deceive, in light of the appellant's background, the appellant's failure to disclose all information and documentation was material. At minimum, the appointing authority needed this information to have a complete understanding of his background to properly evaluate his candidacy. *In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017).

The record also indicates that the appellant had an unsatisfactory driving record as he had 25 motor vehicle summonses, including some that were after the August 31, 2019 closing date. The appellant's driving record indicates a disregard for the law which is incompatible with the duties of a law enforcement officer. In this regard, it is recognized that a Sheriff's Officer is a law enforcement employee who must enforce and promote adherence within to the law. Sheriff's Officers hold highly visible and sensitive positions within the community and that the standard for an applicant includes good character and an image of the utmost confidence and trust. It must be recognized that a Sheriff's Officer is a special kind of employee. His primary duty is to enforce and uphold the law. He carries a service revolver on his person and is constantly called upon to exercise tact, restraint and good judgment in his relationship with the public. He represents law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public. *See Moorestown v. Armstrong*, 89 N.J. Super. 560, 566 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990). The public expects Sheriff's Officers to present a personal background that exhibits respect for the law and rules.

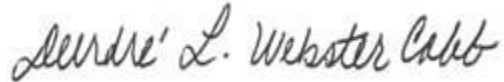
Further, the record indicates that the appellant failed to maintain the required continuous residency in Hudson County from the August 31, 2019 closing date until appointment as the appointing authority presented that the appellant lived in Leonia, which is in Bergen County, in November 2019, and the appellant did not respond to this allegation. *See N.J.A.C. 4A:4-2.11(e)1*. Similarly, the background report indicates that the appellant received discipline in college and by an employer, and he did not respond to these allegations, which provides further evidence that he does not have the background suitable for a Sheriff's Officer. *See N.J.A.C. 4A:4-4.7(a)1*, in conjunction with *N.J.A.C. 4A:4-6.1(a)9*. 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 his 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 6TH DAY OF APRIL 2022



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