



STATE OF NEW JERSEY

In the Matter of Kenneth Monteleone,
Correctional Police Officer (S9988A),
Department of Corrections

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

CSC Docket No. 2022-2613

List Removal Appeal

ISSUED: January 18, 2023 (JET)

Kenneth Monteleone appeals the removal of his name from the Correctional Police Officer (S9988A), Department of Corrections, eligible list on the basis of falsification of the employment application.

The appellant took the open competitive examination for Correctional Police Officer (S9988A), achieved a passing score, and was ranked on the subsequent eligible list. The appellant’s name was certified on November 27, 2019 and in disposing of the certification, the appointing authority requested the removal of the appellant’s name from the eligible list on the basis of falsification of his employment application. Specifically, the appointing authority asserted that the appellant failed to disclose an arrest warrant as a result of a traffic infraction in May 2018, that his sister posted \$250 bail for in 2020.

On appeal to the Civil Service Commission (Commission), the appellant maintains that he did not falsify the employment application. Specifically, the appellant asserts that mail was frequently misplaced at his home, and as a result, he did not receive notice that the above noted arrest warrant was issued against him. The appellant disputes that he was arrested and states that he accepted a lesser offense with respect to the above noted infraction, and he explains that his sister paid the \$250 to the court for him because he could not miss work. Moreover, the appellant contends that, after a review of the employment application that he submitted, it does not indicate that he was required to disclose the outstanding warrant.

In response, the appointing authority relies on the documentation it submitted in support of the removal, including the appellant’s employment application and

documentation from the Dumont Police Department. The appointing authority does not provide any additional arguments or information in response to the appeal.

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 individual from an eligible 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:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows for the removal 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 an appointment.

In the instant matter, the appointing authority states that the appellant did not provide required information in response to the instructions and questions on the employment application, including an arrest warrant that was issued against him as a result of a 2018 traffic infraction, and failed to disclose that his sister posted \$250 for that incident in 2020. The appellant argues that he did not falsify the employment application, as he did not receive notice of the warrant and was unaware that he was arrested. He also argues that the employment application does not indicate that he was required to disclose the outstanding warrant. Based on the information provided and for the reasons noted below, the Commission finds that the appellant was properly removed from the list.

Initially, under the "Arrest, Summonses, Etc." section on page 19 of the employment application, the instructions provide that "the word 'arrest' includes any 'detaining, holding, or taking into custody by Police or any other law enforcement agency, in this or any other State ... you must include all charges ... the word 'charge' includes any 'indictment, complaint, summons, and information,' or other notice of the alleged commission of any 'offense' in this or any other State ... even if it did not result in your physical arrest." The application also indicates that "it is mandatory that you disclose all charges, whether dismissed, adjudicated, or pending ... everything must be disclosed on the application regardless of the outcome of such matters." It also indicates that "you must provide certified disposition paperwork from each court regarding all charges."

In response to question #48 on the employment application, "Have you ever received a summons complaint, been arrested, indicated or convicted for any violation of the law, including fish or game laws? Include disorderly persons, petty disorderly offenses, city, borough or county ordinances/violations, the appellant indicated "11/12/2012, violation 2C:35-10a [and] 2c:35-10c, Cresskill, Bergen County." As such, he did not list that the May 9, 2018 warrant, nor did he indicate that his sister posted \$250 to satisfy the active warrant. Contrary to the appellant's assertions, pursuant

to the above listed instructions, he was required to disclose such information pertaining to the warrant on the employment application. Moreover, while the appellant asserts that he did not receive notice of the warrant in the mail, he failed to disclose that his sister posted \$250 to satisfy the active warrant. Such information was necessary in order for the appointing authority to properly complete the background investigation during the appointment process.

It is clear that the appellant did not properly complete the employment application. It must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as Correctional Police Officer, to ensure that his employment application is a complete and accurate depiction of his history. In this regard, 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 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. An applicant must be held accountable for the accuracy of the information submitted on an application for employment and risks omitting or forgetting any information at his or her peril. *See In the Matter of Curtis D. Brown* (MSB, decided September 5, 1991) (An honest mistake is not an allowable excuse for omitting relevant information from an application).

In this case, the appellant's omissions are sufficient cause to remove his name from the eligible list. It is clear that he failed to disclose full information in his background in response to the questions in the employment application. The information noted above, which the appellant failed to disclose, is considered material and should have been accurately indicated on his employment application. At the very least, the appointing authority needed this information to make a full and informed decision regarding the appellant's suitability for the position. The appellant's failure to disclose such information is indicative of his questionable judgment. Such qualities are unacceptable for an individual seeking a position as a Police Officer. In this regard, the Commission notes that Correctional 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, there is sufficient basis to remove the appellant's name from the Correctional Police Officer (S9988A), Department of Corrections, 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 18TH DAY OF JANUARY, 2023



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