



STATE OF NEW JERSEY

In the Matter of Dominic Jandoli,
Fire Fighter (M1880W), West Orange

CSC Docket No. 2022-2634

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

List Removal Appeal

ISSUED: February 1, 2023 (PS)

Dominic Jandoli, represented by Nicholas J. Palma, Esq., appeals the decision to remove his name from the Fire Fighter (M1880W), West Orange, eligible list on the basis of falsification of his application.

The appellant took the open competitive examination for Fire Fighter (M1880W), which had an August 31, 2018, closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking his removal, the appointing authority indicated that the appellant falsified his application. Specifically, it indicated that the appellant did not fully disclose his residency. In this regard, his submitted tax return for 2019 and 2020 indicated that he was residing a Lincoln Park, New Jersey. These tax returns were provided by the candidate to fulfill his obligation to show his tax filing. However, on his employment application, the appellant listed a West Orange address during those time periods.

On appeal, the appellant states that he never intended to try to conceal or falsify his background and states that he included all information to the best of his knowledge at the time he was filling out his application. He presents that his tax returns were filed by his father’s accountant, who had been doing his family’s taxes for many years. Furthermore, the appellant contends that since his father paid for the tax preparation fees, the accountant continued to use his father’s address for his income tax returns. Additionally, he attaches an extensive list of proofs confirming the West Orange address which includes, but is not limited to, a letter from the Motor Vehicle Commission, dated April 1, 2019, a Lease Agreement dated May 13, 2019; a lease bill dated May 17, 2019; Motor Vehicle Lease Agreement dated July 2, 2021; a garage lease

dated October 21, 2021; and a Port Authority bill dated July 20, 2021. All these attachments indicated a West Orange address.

In response, the appointing authority, represented by Philip J. Cranwell, Esq., relies on its background report. In this regard, the appellant listed various residences in West Orange starting in 2017. It further adds the appellant attached 2019 and 2020 tax returns with a Lincoln Park address. It contends that the fact that these tax returns have a different address than what he provided on his application support that he falsified his application. Based on this discrepancy, the appointing authority questions whether the appellant maintained continuous residency in West Orange as required.

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 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).

N.J.A.C. 4A:4-4.7(a)11, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allow the Commission to remove an eligible from a list for other sufficient cause.

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.

In this matter, the appointing authority had a valid reason for removing the appellant's name from the list. Specifically, his 2019 and 2020 tax returns list a Lincoln Park address but he indicated a West Orange address as his residence during those times on his application. While the appellant attempts to explain that the discrepancy was merely a ministerial error as his tax return preparer used his father's address, the Commission cannot so easily accept that explanation. Even assuming, *arguendo*, the truth of his assertions, such an inaccuracy on official tax documents cannot be so easily dismissed. What the appellant would have the Commission accept is that, while he did not falsify his application, false information was reported on his 2019 and 2020 tax returns. He would also have the Commission accept that such inaccurate information on those returns was no fault of his own and therefore, should not bear on this matter. The Commission declines to accept those suppositions. An individual is required to report accurate information on a federal tax return, regardless of who files the return. Any

inaccurate information is the sole responsibility of the individual. As such, assuming the inaccurate address reported, when the appellant signed those tax returns, he would be considered to have either knowingly or unknowingly submitted false information to the tax agency. Such action, regardless of whether the appellant falsified his employment application, provides reason for the Commission to sustain the appellant's removal from the subject list. *See N.J.A.C. 4A:4-4.7(a)11 and N.J.A.C. 4A:4-6.1(a)9.* Fire Fighters 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 Fire Fighters to present a personal background that exhibits respect for the law and rules. The appellant's actions in this matter falls short of that expectation.

Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Fire Fighter (M1880W), 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 1ST DAY OF FEBRUARY, 2023



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