



STATE OF NEW JERSEY

In the Matter of Jordy Terrones,
County Correctional Police Officer
(S9999A), Morris County Sheriff's
Office

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

CSC Docket No. 2023-1662

List Removal Appeal

ISSUED: May 24, 2023 (SLK)

Jordy Terrones, represented by Ariel Alvarez, Esq., appeals the decision to remove his name from the County Correctional Police Officer (S9999A), Morris County Sheriff's Office eligible list on the basis of falsification of the employment application.

The appellant took the open competitive examination for County Correctional Police Officer (S9999A), Morris 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 (OL221190) and he was ranked as the 11,761th candidate. In seeking his removal, the appointing authority indicated that the appellant falsified his application. Specifically, the appointing authority's background report indicated that the appellant responded on his application that he had never been arrested or charged with a violation of a disorderly act or city ordinance while the investigation revealed that in September 2018, he had been charged with harassment-communication to cause alarm, which was dismissed, and he was charged with simple assault which was amended to a disorderly person offense, where the appellant was found guilty and paid a fine. Additionally, the appellant indicated on his application that he had been issued one motor vehicle summons for "tint," on September 7, 2021, while he failed to disclose December 31, 2018, obstructing passage of a motor vehicle and driving without a license infractions; a December 8, 2019, obstruction of windshield violation; a September 7, 2021, obstruction of windshield violation; a March 23, 2022, failure to possess insurance card violation; and a March 28, 2022,

required to obey traffic control device infraction. Further, the appellant indicated that his driver's license had never been revoked while the investigation revealed that his driving privileges were suspended from January 7, 2019, to July 6, 2019.

On appeal, the appellant indicates that the appointing authority stated as justification for his removal that he was found guilty of a disorderly persons offense. However, the appellant submits an October 25, 2021, letter which indicated that he made a mistake on his initial employment application where he listed that he had been convicted of a disorderly persons offense, which was not true since he actually pleaded guilty to violating a local city ordinance, which is not a criminal violation. Further, regarding his simple traffic offenses, he asserts that like many citizens, he simply forgot about them. The appellant argues that these traffic offenses are *de minimis*, as he was not convicted of offenses like driving under the influence, reckless driving, and careless driving, and it would be inappropriate to remove him for these offenses. The appellant believes that the reasons behind his removal are discriminatory and racially biased.

The appellant states that he completed his employment application regarding his criminal and driving history to the best of his knowledge and belief. Further, he asserts that the representations that he made on his employment application that are the justifications for his removal are not material facts and were not made to deceive the appointing authority. The appellant highlights that the criminal violation in question involved a municipal ordinance and not a criminal violation, and the traffic violations did not involve serious offenses. He maintains that these representations were not material facts because if they had been disclosed on his application, they would not change the outcome of his appointment. The appellant provides examples of material facts such as a domestic violence offense that disqualified an individual from owning a firearm, a felony, or a disorderly person offense involving violence. He believes that no one can recall the amount of traffic violations that one's received during a given time, unless the answer is zero. Further, the appellant indicates that municipal ordinance violations can easily be categorized as a traffic violation, depending on the circumstances of the ticket and what the person is pleading. He claims that there are many honest and trustworthy reasons why a person would neglect to put down all facts of a municipal ordinance violation or a traffic offense, especially when they already previously disclosed them to the Civil Service Commission (Commission). The appellant maintains that his license suspension could have been related to failing to pay a small fine for previous tickets rather than a suspension for committing a particular offense. He reiterates his position that these offenses are *de minimis* and should not be considered falsification. The appellant believes that a hiring agency that had all this information from the onset could still decide to hire a candidate like himself.

The appointing authority, represented by Robert J. Greenbaum, Esq., presents that the appellant failed to disclose on his employment application that his driver's

license had been suspended, motor vehicles summonses had been issued to him, and he had been charged with simple assault. The appointing authority attaches the appellant's employment application and documentation of the charges to support its justification for the removal.

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 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. *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 the decision to remove his name from an eligible list was in error.

Initially, concerning the appellant's statement that he could not remember, like most people, all his motor vehicle violations and he completed the application to the best of his knowledge, candidates are responsible for the accuracy of their applications and any failure to include information was at his peril. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Additionally, while the appellant asserts that he amended his application by subsequently submitting that he pled guilty to a violation of a local ordinance regarding the December 2018 incident and he was not found guilty of committing a disorderly persons offense, this does not explain why the appellant answered "No" in response to a question on his application which asked, "Have you ever been arrested for, or been charged with, a violation of a disorderly act or city ordinance?" Further, the appellant was obligated to provide a complete and accurate application at the time the application was due. Moreover, the fact that the appellant may have disclosed this information previously to the Commission¹ is not relevant as the appointing authority is entitled to a complete and accurate employment application. Also, as indicated below, there is no requirement under Civil Service law and rules that indicates that only criminal or "serious"² offenses like domestic violence, felonies, and disorderly person offenses due to violence are material to determining whether such incidents are adverse to being a County Correctional Police Officer. Additionally, even if it was true that another appointing authority might not have removed the appellant with full knowledge of his background from the onset³, the appointing authority is entitled to make its own determination and is not beholden to another jurisdiction's assessment of his suitability to be a County Correctional Police Officer

¹ It is unclear as to what the appellant is referencing when he claims that he had disclosed all the omissions in question to the Commission.

² The Commission notes that the appellant was initially charged with punching someone in the face, which is serious.

³ This is a highly speculative statement by the appellant.

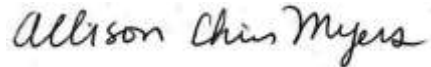
In this matter, the record indicates that the appellant was charged with simple assault, *N.J.S.A. 2C:12-1a(1)*, and harassment-communication in manner to cause alarm, *N.J.S.A. 2C:33-4A*, disorderly persons offenses, in September 2018. Regarding, the simple assault charge, the appellant pled guilty to violating a local ordinance, and the harassment charge was dismissed. Additionally, the appellant was charged with obstructing passage of other vehicles (December 31, 2018), driving without a license (December 31, 2018), obstruction of windshield for vision (December 8, 2019), obstruction of windshield for vision (September 7, 2021), failure to possess a driving insurance card (March 23, 2022), and required to obey traffic control device public/private intersection (March 28, 2022). Further, the appellant's driving privileges were suspended from January 7, 2019, to July 6, 2019. Therefore, while the appellant argues that these offenses are *de minimis*, he did not intend to deceive as he simply could not remember all offenses, and his failure to disclose all offenses on his employment application was not material, even if there was no intent to deceive, in light of the appellant's continuous negative interactions with the law from September 2018 to March 2022, his failure to disclose his complete record was material as these offenses demonstrate that the appellant has an unsatisfactory background to be a County Correctional Police Officer. At minimum, the appointing authority needed this information to have a complete understanding of his background in order to properly evaluate his candidacy. *In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). Similarly, the appellant could have also been removed for having an unsatisfactory driving record since certain motor vehicle infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement 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*; *See also 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). It is also noted that the appellant continued to be issued motor vehicle violations even after the August 31, 2019 closing date which is further evidence that the appellant currently lacks the judgment to be a law enforcement officer. Furthermore, there is no evidence in the record that the appointing authority's decision to remove the appellant's name from the list was racially motivated, and mere speculation, without evidence, is insufficient to support such a finding. To the contrary, in reviewing the totality of the appellant's background, it was appropriate for the appointing authority to remove his name from the County Correctional Police Officer list based on falsification.

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 24TH DAY OF MAY, 2023



Allison Chris Myers
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Jordy Terrones
Ariel Alvarez, Esq.
James Gannon
Robert J. Greenbaum, Esq.
Division of Human Resource Information Services
Records Center