



## STATE OF NEW JERSEY

In the Matter of Equina Taylor,  
 Vineland Developmental Center,  
 Department of Human Services

FINAL ADMINISTRATIVE ACTION  
 OF THE  
 CIVIL SERVICE COMMISSION

CSC Docket No. 2019-1945  
 OAL Docket No. CSV 05580-19

ISSUED: DECEMBER 18, 2024

The appeal of Equina Taylor, Cottage Training Technician, Vineland Developmental Center, Department of Human Services, removal, effective August 13, 2013, on charges, was heard by Administrative Law Judge Catherine A. Tuohy (ALJ), who rendered her initial decision on November 18, 2024. No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting on December 18, 2024 adopted the ALJ's Findings of Facts and Conclusions of Law and her recommendation to uphold the removal.

**ORDER**

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Civil Service Commission therefore upholds that action and dismisses the appeal of Equina Taylor.

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 18<sup>TH</sup> DAY OF DECEMBER, 2024

*Allison Chris Myers*

Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
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Attachment



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. CSV 05580-19

AGENCY DKT. NO. 2019-1945

**IN THE MATTER OF EQUINA TAYLOR,  
DEPARTMENT OF HUMAN SERVICES,  
VINELAND DEVELOPMENTAL CENTER.**

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**John P. Morris, Esq.**, for appellant, Equina Taylor

**Elizabeth Davies and Bryce K. Hurst**, Deputy Attorney Generals, for respondent,  
Department of Human Services, Vineland Developmental Center (Matthew  
J. Platkin, Attorney General of New Jersey, attorneys)

Record Closed: October 18, 2024

Decided: November 18, 2024

**BEFORE CATHERINE A. TUOHY, ALJ:**

**STATEMENT OF THE CASE**

Appellant, Equina Taylor, a Cottage Training Technician (CTT) for the Vineland Developmental Center (VDC), appeals her removal from her position, effective August 13, 2013, pursuant to a Final Notice of Disciplinary Action (FNDA) (31-B) dated May 17, 2018, for violations of the following: A.O. 4:08 C-8.1: Falsification; Intentional misstatement of material fact in connection with work, employment, application or in any record, report, investigation or other proceeding; A.O. 4:08 C-10.1: Divulging confidential

information without proper authority; A.O. 4:08 C-31.1: Actual or attempted theft of State property or equipment or property of other employees, residents, clients or patients; A.O. 4:08 C-16.1: Notoriously disgraceful conduct; A.O. 4:08 E-1.1: Violation of a rule, regulation, policy, procedure, order or administrative decision; A.O. 4:08 E-2.1: Intentional abuse or misuse of authority or position; N.J.A.C. 4A:2-2.3(a)6: Conduct unbecoming a public employee; and N.J.A.C. 4A:2-2.3(a)12: Other sufficient cause.

The incidents giving rise to the charges and the dates on which they occurred were specified as follows:

“On various dates between approximately 2010 and 2012 you knowingly participated in an identity theft scheme, conspiring for the purpose to receive money ill-intended for consumers at Vineland Developmental Center and group homes. Tax refunds issued in the names of consumers were loaded onto numerous prepaid debit cards, some of which were activated in the names of VDC and group home residents.

The documentation shows that these prepaid debit cards were sent to your home address, under consumer names, and your personal cell phone was utilized to check on the balances of these cards. One such example is consumer S.W. whose fraudulent tax refund in the amount of \$4,047.51 was used in this scheme.

You received more than \$4,500 ATM and store transactions in the name of consumer I.P. You used pre-paid debit cards, loaded with fraudulently obtained monies to purchase goods and services.

These actions warrant your removal.”

(R-17.)

Appellant denies she was guilty of any misconduct and seeks to be reinstated to her position as a CTT.

At issue is whether appellant is guilty of the specifications alleged and if so, was removal the appropriate penalty.

### **PROCEDURAL HISTORY**

On August 9, 2013, respondent issued a Preliminary Notice of Disciplinary Action (PNDA) (31-A) setting forth the charges and specifications made against the appellant. (R-15.) The specifications set forth in the first PNDA alleged:

"On or about February 26, 2010, through access to Vineland Developmental Center records related to your employment, you acquired confidential information related to consumer S.W.'s identity, then applied for and received a tax refund intended for that consumer in the amount of \$4,047.51. On or about the same time, using the same or similar methods, you accessed consumer I.P.'s personal account and acquired more than \$4,500 in ATM and store transactions."

Appellant was suspended without pay effective August 9, 2013.

(R-15.)

The first PNDA was modified (R-16) and the specifications set forth in the amended PNDA dated April 18, 2018, alleged:

"On various dates between approximately 2010 and 2012 you knowingly participated in an identity theft scheme, conspiring for the purpose to receive money ill-intended for consumers at Vineland Developmental Center and group homes. Tax refunds issued in the names of consumers were loaded onto numerous prepaid debit cards, some of which were activated in the names of VDC and group home residents.

The documentation shows that these prepaid debit cards were sent to your home address, under consumer names, and your personal cell phone was utilized to check on the balances of these cards. One such example is consumer S.W. whose fraudulent tax refund in the amount of \$4,047.51 was used in this scheme.

You received more than \$4,500 ATM and store transactions in the name of consumer I.P. You used pre-paid debit cards, loaded with fraudulently obtained monies to purchase goods and services.

These actions warrant your removal.”

(R-16).

Following a departmental hearing held on April 26, 2018, the respondent issued a FNDA (31-B) on May 17, 2018, sustaining the charges in April 18, 2018, amended preliminary notice, and removing appellant, effective August 13, 2013. (R-17.) Appellant filed an appeal on May 24, 2018, and the matter was transmitted by the Civil Service Commission, Division of Appeals and Regulatory Affairs, to the Office of Administrative Law (OAL) where it was filed on July 5, 2018, for a hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to 15; N.J.S.A. 52:14F-1 to 13. The matter was initially docketed as CSV 09540-18 and was dismissed by the Civil Service Commission on October 3, 2018, for appellant's failure to appear at a settlement conference. Appellant filed a motion for reconsideration submitting a certification that she never received notice of the settlement conference or notice of her failure to appear. By order, dated April 24, 2019, the Civil Service Commission granted appellant's motion and reinstated her appeal. The matter was remanded to the OAL and filed on April 25, 2019.

Numerous telephone status conferences were conducted. A Confidentiality and Protective Order was entered on June 22, 2020, and a Supplemental Discovery Confidentiality Order was entered on October 21, 2020. An order denying respondent's motion for summary decision was entered January 4, 2023.

An in-person hearing was conducted on May 14, 2024, May 15, 2024, May 16, 2024, and May 17, 2024, in Atlantic City. The record remained open to allow for the submission of closing briefs and closed on October 18, 2024, following receipt of same.

### **FACTUAL DISCUSSION AND FINDINGS**

**David Kahn** testified on behalf of the respondent. He was employed by the Department of Human Services (DHS) as a Police Officer 1 until his retirement on June 1, 2018. His responsibilities were to investigate crimes against individuals with developmental or mental health issues housed in various state facilities throughout New Jersey. During his career with the DHS police, Detective Kahn worked on several task

forces including the U.S. Marshal's Regional Fugitive Task Force, the N.Y. Attorney General's Office on the Crimes Proceeds Task Force and the Federal Bureau of Investigation (FBI) as part of their White-Collar Crime Task Force.

Detective Kahn worked on an identity theft investigation involving VDC consumers. Kahn's investigation was prompted by a February 8, 2011, report filed by patrol officer Danica Coslop, who was assigned to the VDC and who took a report of identity theft where one of the residents at the VDC had her identity utilized on a fictitious tax return. (R-1.) During his investigation, Kahn discovered that the identity theft involved not only consumers of VDC but another developmental center he referred to as a "sister organization" called Elwyn that was located across the street from VDC. Kahn worked with the FBI to assist in obtaining tax filing information from the IRS. Kahn worked on the matter with the FBI for four and a half years prior to his retirement.

Kahn's investigation identified Equina Taylor as one of the individuals involved in the identity theft ring. Kahn learned of Taylor's participation in the scheme from confidential informants, phone and internet data records, and the banking information he collected from Green Dot and other affiliated banking institutions. Kahn learned that VDC employees, including Taylor, supplied VDC consumers' personal information to create and submit fraudulent tax returns in the names of those consumers and to receive fraudulent tax refunds through prepaid bank cards. The scheme required an individual's name, date of birth, social security number, as well as employer information and bank routing and account number.

As part of the investigation, Kahn provided a list of VDC and Elwyn consumers to Santa Barbara Tax Products Group (Santa Barbara), a bank that partners with Turbo Tax to process and provide tax refunds, in an attempt to identify the victims. The participants used prepaid bank cards backed by different banks to set up direct deposit accounts as part of the tax fraud scheme. Most of the prepaid bank cards were from Green Dot, a financial institution backed by Synovus Bank. To register or verify a prepaid card and receive routing and direct deposit numbers, an individual would need to contact Green Dot with a name and address. The card could then be used like a normal debit card. The

fraudulent refunds were transferred electronically from Santa Barbara to Green Dot prepaid card using the bank routing and account number affiliated with the cards.

Kahn also subpoenaed phone, cable, and internet provider records for Taylor and others during his investigation. Kahn identified R-5 as Taylor's phone records which included what numbers she dialed, start and end time, date and duration of each call, and the cell tower where the call originated and where it ended. The phone number associated with Taylor placing these calls was [REDACTED] (R-5.) Kahn used Exhibit R-5 to identify Taylor's calls to the IRS' "Where's My Tax Refund" line.

Kahn received thousands of pages of information from the subpoenas which he then used to identify individuals who were responsible for submitting the fraudulent tax returns. He used the list of VDC and Elwyn consumers and suspected participants using names, home addresses and phone numbers to link the victims to the participants. Kahn used phone numbers, internet protocol ("IP") addresses, and subscriber information, employment records and banking records to identify the network of individuals responsible for the identity theft.

Kahn also collected tax return records from the IRS and performed surveillance including location surveillance and mail cover surveillance. Mail cover surveillance is when they go to the postmaster of a particular district where the address is located and advise them that they need to know all of the pieces of mail that goes to a particular address. The postmaster will direct those who sort the mail to make photocopies of the exterior of the envelope. The mail cover surveillance included mail to Taylor's address at [REDACTED]. The mail cover surveillance identified several items, including prepaid debit cards that went to Taylor's address that were addressed to DHS consumers who were not and never had lived at Taylor's address, [REDACTED] in [REDACTED]. An FBI search was also performed at both Taylor's home and her mother's home. Kahn conducted the search warrant at Taylor's mother, S.T.'s house in [REDACTED], which turned up thousands of names, dates of birth and social security numbers located all over the house on pieces of paper and notebooks, including consumers of VDC and Elwyn. Taylor's mother, S.T., never worked at VDC or Elwyn. Although he did not conduct the



search at Taylor's home, he knows that there were pieces of mail discovered in other people's names that they knew did not reside at the time with Taylor.

Kahn identified Taylor as part of the identity theft ring because her address was used on tax returns, tax refunds, and prepaid debit cards. Taylor's cell phone number was used to contact the IRS' "Where's My Refund" Hotline approximately seventy-five times. Confidential informants also implicated Taylor as one of the employees who provided information on the consumers to the rest of the group.

Kahn discovered that the most prevalent prepaid debit bank card used was from Green Dot. A legitimate physical address was necessary to carry out the scheme because the prepaid debit cards were mailed to that location. He also discovered that while one address may have been used on a tax filing, it was not always used on the bankcard. Also, the names on the tax returns were not necessarily transferred to bankcards under the same name. Kahn found that the same addresses were being used repeatedly for the Green Dot cards and banking routing numbers. He discovered that Taylor's address of [REDACTED] was used on tax returns, tax refunds and that several fraudulent prepaid debit bank cards that were mailed to Taylor's home. Kahn explained that Taylor's apartment was located in a row of connected apartments with a front door. The [REDACTED] address was used as a mailing address for prepaid debit bank cards and tax returns filed in the names of both VDC and Elwyn consumers.

Kahn also subpoenaed records from various financial institutions, including Green Dot. Kahn identified R-8 as one of many subpoena responses he received from Green Dot. He explained that attachment A, of R-8 starting at DHS42 to DHS58 is a list of cardholder information that was linked by name, phone number or address to the list of suspects he was investigating. He identified I.P. on page forty-seven as a VDC consumer who has never lived at [REDACTED], Taylor's address. He also identified D.W., another VDC consumer who was listed under Taylor's address, yet never lived there. This was the same for M.C., A.K., C.M., A.B., R.M., A.T., and Z.B., additional individuals who lived at VDC or Elwyn.

R-8 is a summary of the user-supplied information for the prepaid debit bank cards provided by Green Dot. It shows the card holder name, the type of card, the account status, notification that the identity verification process was completed, and any deposits that were completed. Kahn explained that R-8 at DHS248 shows cardholder Equina Taylor received a direct deposit of \$4,047.51 on February 26, 2010, that was as placed on the Green Dot prepaid MasterCard. A second direct deposit for a tax refund of \$1,313.56 was also deposited on the account on February 26, 2010. (R-8 at DHS254.) The card was flagged as a fraud account after the direct deposits went through. Kahn referenced R-9 at DHS3090, account ending in 9024 to identify the tax refunds directed to the account in Taylor's name to show that the tax refunds were for VDC consumers S.W. and I.P.

R-8 at DHS739-740 lists M.C., a VDC consumer, at Taylor's home, [REDACTED] showing a direct deposit of \$1,069.51 was made to her account on February 19, 2010. M.C.'s social security number and date of birth were also used when the account was created to verify her identity. The primary card was created with the last four digits of 3042. Two tax refunds were deposited into the account, one for \$1,069.51 and the other for \$1,297.51. The deposits correlated to R-9 at DHS3098 under the names of M.C. and M.M who lived at VDC. Kahn testified the card in M.C.'s name, ending in 3042 was then mailed to Equina Taylor's residence at [REDACTED], yet M.C. never lived at that location.

R-8 at DHS48 shows Z.B., an Elwyn consumer with an address at [REDACTED]. R-8 at DHS771-773 shows Z.B.'s name on a personalized Green Dot prepaid debit card ending in 0713, with a direct deposit number ending in 2237. (R-8 at DHS048.) This card was sent to Equina Taylor's address at [REDACTED]. A direct deposit of \$2,772.00 was processed on May 21, 2010, and deposited in the account in Z.B.'s name. R-9 at DHS3098-3099 shows tax refund deposits under VDC consumer's K.D. and M.S. going to the card under Z.B.'s name. The card listed for Z.B. received two tax returns in the amount of \$2,772 that were deposited into the account ending in 2237 on May 21, 2010, in the name of VDC consumers L.D. and M.S. (R-8 at DHS 772.)

R-8 at DHS47 also listed an Elwyn consumer, A.B. at Taylor's [REDACTED] address and linked A.B. to account ending in 3531. The permanent card would have been sent to Taylor's address at [REDACTED]. A.B. had a personalized account created in his name and using his Social Security Number in R-8 at DHS683-684. Two tax refunds were deposited to the account on July 23, 2010, one for \$5,069.00 and the other for \$2,795.05. (R-8 at DHS689.) The corresponding returns are listed in R-9 at DHS3097 but list the names of returns of other individuals, one, M.M. who lived at Elwyn and N.B. who lived at VDC. Kahn testified that the account had been blocked due to unusual direct deposit activity across multiple cards with similar information.

Kahn identified R-9 as a list provided by Green Dot of the transaction histories of specific cards that were matched up by suspect and victim's names that he originally received in an excel format. Records starting at R-9 DHS3023 titled 'Transaction History' listed the transactions from various stores and on-line purchases and allowed him to obtain additional evidence against the perpetrators. Records starting at R-9 at DHS3086 contained the list of tax return refunds and what prepaid debit bank card was loaded onto the account including the amount. He was able to identify numerous VDC and Elwyn consumers. There were instances where one VDC consumer was listed on a tax return, but the refund would be deposited on a Green Dot card and registered under a different VDC consumer. Cards in the names of I.P. and M.C. were sent to Taylor's address and used as accounts to deposit tax returns from other fraudulent tax filings. Kahn explained that each section represented tax returns that were loaded onto a prepaid debit card. He pointed out that the page showed one card receiving four different refunds loaded onto it. Each refund indicated the name of the individual the return was filed under. Kahn recognized G.E., S.D., B.C., D.N., G.J., and T.D. as VDC consumers whose tax returns were loaded onto a prepaid debit card. The NEC contains the account number the funds were loaded onto. The records starting at R-9 at DHS3115 show where the original card was purchased. The cards could be purchased from various vendors such as 7-Eleven or Walgreens, cash could be loaded onto them, and they could then be used like a credit card for use for on-line purchases. These preloaded or prepaid cards are typically used by individuals who do not have bank accounts or traditional bank cards.

Kahn identified R-10 as an IRS document that lists individuals connected to [REDACTED] on filed tax returns and the amounts of the returns. On the list he identified C.A. as an Elwyn consumer, L.D. a VDC consumer, and he stated none of the individuals other than Taylor lived at [REDACTED].

Kahn testified that R-11 contained records provided by Santa Barbara. The information provided the taxpayer's information, Social Security Number, address, the date the return was submitted, along with the anticipatory loan sent out to the filer. (R-11 at DHS2935.) Kahn identified the filing information on R-11 at DHS2935 as a filing for W.K., a VDC consumer. W.K.'s address was listed as [REDACTED], yet she never lived there. (R-11 at DHS2935.) The filing showed W.K. was issued a \$5,047.00 refund after fees.

A tax return was also filed on behalf of I.P., a VDC consumer, and deposited into an account ending in 9024. (R-11 at DHS2925-26.) I.P.'s return listed her address as [REDACTED], yet she never lived there. (R-11 at DHS2925.) The tax filing and return deposited into an account ending in 9024 showed two deposits on Feb. 26, 2010, one in the name of I.P. and another in the name of S.W., another VDC consumer. (R-9 at DHS3090.)

R-11 at DHS2791 also shows that M. K., a VDC consumer, had a tax return filed on her behalf that listed Equina Taylor's [REDACTED] address as her residence. (R-11 at DHS2791.) M.K. has never lived at [REDACTED]. The refund was deposited into an account ending in 5629. (R-11 at DHS2791-92.)

The investigation also obtained copies of tax returns submitted on behalf of VDC consumer B.L. (R-12 at DHS2628.) The tax return submitted in B.L.'s name listed [REDACTED] as her address, even though B.L. never lived at that address. (R-12 at DHS2628.)

Kahn identified R-13 as a 2013 statement he wrote regarding Taylor's involvement in the identity tax fraud. Because the investigation was still ongoing, he was limited in the information he could disclose so his statement only referenced one occurrence of tax

fraud. (R-13 at DHS 24.) Most consumers of VDC and Elwyn, like those detailed above would have no reason to file tax returns because most are unable to work or care for themselves.

In investigating Taylor's connection and involvement with the tax fraud scheme, Kahn testified that "tons of people came forward saying she was involved." However, no witnesses' names were identified in this case. Kahn was asked whether his investigation ever determined that Taylor actually used the debit cards received. He said the cards were in her name and delivered to her address. He only recalled a Gucci purchase made online on her card and delivered to [REDACTED].

Kahn testified that Taylor had access to VDC consumers' confidential information because at the time of the investigation the information was kept in notebooks or binders for use in case someone had to go to the hospital. The binders were kept on a cart behind the front desk of the cottages and was openly available to any staff member.

Kahn was also asked about the seventy-five calls Taylor made to the IRS Where's My Refund line and he explained that he saw a pattern where either Taylor's mother, S.T. would call Taylor or Taylor would call her mother or another related number, then immediately call the "Where's My Refund" line, and afterwards call her mother or the other number back again. Part of the investigation was to verify that Taylor was working on those days of the calls to show it was her using her phone to make the calls. He explained that VDC has its own cell tower on its grounds and the phone records showed that Taylor was either making or receiving calls from her mother's number or the other related number and then contacted the "Where's my Refund" line on her cell phone while at work and then call back the number she had previously been on the line with.

There were occasions when a transfer could not be made electronically, and a bank check was issued and sent to the individual at the address listed on the tax return. These checks were cashed at a jewelry store in Salem. The owner of the jewelry store was cooperative in the investigation and advised that they took thumb prints of the person cashing the checks. Kahn said they took the thumb prints to the New Jersey State police identification bureau. They were able to identify a number of individuals who participated

in this identity theft because of the rolled thumb print. Kahn does not believe Equina Taylor's thumb print ever came up.

On cross-examination, Kahn acknowledged that there were numerous names affiliated with both Taylor's address at [REDACTED] and her mother's address at [REDACTED], including other members of Taylor's family, such as her aunt, M.T. Kahn acknowledged that none of the photocopies of the letters obtained from the mail cover search for Taylor's [REDACTED] address have been produced in this case. Kahn further acknowledged that at the execution of the search warrant at her mother's [REDACTED] address that there was nothing that he could recall that explicitly implicated Equina Taylor. Kahn acknowledged that he had prepared numerous statements as part of his investigation, but none have been produced in this case aside from R-13. Kahn also acknowledged that Taylor has not been arrested for her alleged involvement in the tax return scheme.

Kahn testified that a lot of debit cards were sent to Taylor's [REDACTED] address. He described the mail receptacle apparatus at the apartment complex as a large gray receptacle that had individual mailboxes that were accessible by key, if he recalled correctly. He had recently spoke to a police officer from [REDACTED] to see if he remembered correctly and he did. The photographs of the letters discovered in the mail cover were copied and were part of the FBI investigation.

On redirect, Kahn testified that having reviewed P-1, his testimony has not changed. As far as evidence that tied Taylor to the tax fraud scheme, Kahn testified that there was numerous debit cards sent to her home in the names of developmentally disabled adults. Taylor had access to the personal information and records of developmentally disabled residents at VDC. Several confidential informants implicated Taylor in the scheme. Taylor made at least seventy-five phone calls from her cell phone to the IRS "Where's My Refund" hotline.

**Linda Parthemer** testified on behalf of the respondent. She worked as the VDC employee relations coordinator for six years prior to her retirement. As the employee relations coordinator, she reviewed disciplines prepared by managers and supervisors,

advised those managers on the appropriateness of their actions, prepared preliminary notices of disciplinary action, interpreted policies and collective bargaining agreements, and worked to develop policies. She testified that employees very rarely reached out to her to discuss their discipline.

Parthemer was familiar with Taylor through the department's disciplinary process. She reviewed Taylor's PNDA. Parthemer testified that on August 13, 2013, after a department-level hearing, Taylor came into her office and Taylor was very upset. Taylor told her that she never would have done what she was accused of if they hadn't made her do it, referring to her mother and boyfriend who had accompanied her to the hearing. Taylor was crying and indicated she would have no place to go if she lost her job. Taylor's mother was in the hallway holding an infant and pacing back and forth. Parthemer asked Taylor if her mother would help her out while she was suspended. Taylor told Parthemer her mother would not let her live there if she lost her job and she could not have lived there if she did not take the actions that she did, which to Parthemer's understanding was that she took information from residents and used it for identify theft. Parthemer then asked her if her boyfriend might help her out and she told Parthemer the same thing that the boyfriend would not help her if she did not take these actions. Taylor continued to cry and Parthemer felt sorry for her but that at that point there was nothing Parthemer could do. She had to wait for the hearing officer's decision. Parthemer told Taylor let's wait and see what the hearing officer decides. Taylor eventually calmed herself down and left. Parthemer does not recall having any further contact with Taylor.

Parthemer identified R-14 as her signed July 2, 2020, statement regarding her interaction with Taylor on August 13, 2013, and testified to its accuracy. Parthemer remembers the incident because she never had anybody come in her office after a hearing like that, so it surprised her and just stuck in her memory.

The PNDA was dated August 13, 2013, and signed by Parthemer that she personally served Taylor on August 13, 2013. (R-15.) She had previously been suspended with pay.

Parthemer believed she told Detective Kahn and the union representative Maddie Horrell about this conversation with Taylor.

**Timothy Vargulish-Chow** testified on behalf of the respondent. He is a disputes investigative specialist for Green Dot. Green Dot is a financial institution that specializes in issuing prepaid debit cards. He primarily handles and reviews subpoena requests, gathers records, and prepares responses for law enforcement agencies.

Mr. Vargulish-Chow explained the process of depositing a tax refund onto a Green Dot debit card. Green Dot debit cards have direct deposit and routing numbers attached, so a customer could use those account numbers to have an IRS tax refund sent directly onto the card. Green Dot also had a division called the Santa Barbara Tax Product Group, a third-party tax refund distributor. When a person does their taxes, they can opt to have their refunds disbursed through the Santa Barbara Tax Product group, which will create a temporary direct deposit account through Savista Bank. The IRS will direct deposit the funds into a temporary account, which will then distribute the funds into a direct deposit account or onto a prepaid debit card account.

Green Dot debit cards could be requested online and mailed to the consumer or a consumer could purchase a temporary debit card at a retail location like Walmart or drug store and activate the card by inputting personal information online, including name, address, social security number and date of birth. A permanent, personalized card would then be sent to the individual by mail. The permanent card can be used like a normal debit card. Alternatively, a permanent card can be ordered online, skipping the temporary store card.

Green Dot does encounter issues of fraud and identity theft and has a fraud team that monitors accounts, but he is not familiar with exactly what the fraud team does. R-8 at DHS 252 are notes made to the account by a Green Dot representative. If the fraud team flagged the account, they would make notes on the account as to why. R-8 at DHS252 indicates a Green Dot Mastercard for Equina Taylor with a primary account number ending in 4868 with notes dated September 16, 2010, indicating the account was



flagged for unusual direct deposit activity across multiple cards with same or similar personal information.

Green Dot responded to a subpoena from Detective Kahn at R-8. R-8 at DHS254 shows the funding activity, including any deposits, to the account. He explained that the primary account number and the direct deposit number were two unique, separate numbers linked to the same account. The primary account number was the number on the card, whereas the direct deposit number was used to set up direct deposits to the account. The transaction history found on R-9 at 3023 shows transactions made on each card. Some accounts contained one account number where others had two. The accounts that have two cards contain a temporary card which is bought at the store and the personalized card is that which is sent out after the store card is activated.

**Lois Robinson** testified on behalf of the respondent. She has been working at VDC since 2020, as a human resources manager. As a human resources manager, she directs and supervises payroll, benefits, leaves of absence, record keeping, and all other human resource programs and is familiar with department rules, regulations, and policies.

Robinson identified Administrative Order 4:08 ("A.O. 4:08"), which outlines the disciplinary process for DHS employees and the different charges and potential penalties which were in effect while Taylor was employed at VDC. (R-18.) There are ranges in penalties for all the charges to account for whether it is a first, second, third infraction or whether it is an egregious action.

Robinson also identified several forms from Taylor's personnel files that would have been filled out by Taylor and kept by human resources. This included a change of address form from July 17, 2009, showing Taylor's address as [REDACTED], [REDACTED] NJ, 08302 as of June 19, 2008, (R-19); a dental and health benefits enrollment form listing the same address dated May 21 2013, and a phone number of [REDACTED] (R-20); and an incident report with the same address dated June 16, 2010, and a telephone number of [REDACTED]. (R-21.) Robinson also identified Taylor's employee information sheet, which included Taylor's contact information, home address, telephone number, and other basic information. (R-23.) The printout, effective July 28, 2012, lists [REDACTED] as

Taylor's address, her phone number as [REDACTED], and her gross salary as \$34,798.58. (R-23.)

**Joseph Clauss** testified on behalf of the respondent. He worked as an assistant business manager and then business manager at VDC from 2011 until 2019. In those positions, he ran purchasing, disbursements for patient accounts, and the cafeteria, transportation, engineering, sewing, and grounds departments.

As the business manager, Clauss managed patient accounts and received notices that some of the patients owed money to the IRS for back taxes. Clauss was concerned there was identity theft since patients either could not work or earn enough to file taxes. VDC is a residential care facility for women who are completely disabled and unable to live on their own and about half of them cannot ambulate. Very few VDC consumers could work, and those that could, would not earn enough money to be required to pay or file income taxes. Clauss tried to contact the IRS and reported the issue to the DHS police.

**Nicole Butler** testified on behalf of the respondent. She has been employed at VDC for thirty-one years in various roles, including direct care and most recently assistant supervisor of professional residential services supervising VDC's cottages. Prior to this role, she was assistant supervisor of residential living, making rounds across all the cottages on the campus and supervising all employees, including CTTs.

Previously all employees were not only able but expected to access patient binders that contained consumers' personal information such as Social Security numbers and date of birth. Butler testified that the personal identifying information is no longer contained in the patient binders.

VDC is a complex composed of multiple buildings called cottages where consumers reside. The cottages consist of multiple bedrooms and office spaces. During the time Taylor was employed at VDC, consumers' information, including their social security numbers and date of birth were kept in binders in the chart room in the center of each cottage. At the end of every shift, direct care employees, including CTTs, were

expected to document the consumers' activities during the shift in their binders. Direct care staff, like Taylor, would also consult the binders to become familiar with the consumer's behaviors and needs. Butler testified that support staff had access to various cottages depending on staffing needs. A minimum number of staff are needed in each cottage, so staff are frequently reassigned to another cottage to ensure minimum staffing. It was not uncommon for employees to be working in other cottages than they were normally assigned to on a shift.

**Equina Taylor** testified on her own behalf. She lived at [REDACTED] in [REDACTED] from June 2008 to January 10, 2017. Taylor began her employment at VDC in February 2008 as a temporary direct care employee for approximately ten months to a year. She became a permanent Human Services Assistant (HSA) and later became a CTT. She initially started working in Kimble cottage. Occasionally she would be reassigned, and if she did not want to go to another cottage, she would go home sick. She also worked in Sykes Cottage.

Taylor learned that there was an investigation being undertaken by the VDC administration when FBI agents came to the VDC and arrested Ms. Harrison, a head cottage training supervisor at Sykes cottage. Taylor was working at Kimble cottage that day. She never learned of any other individuals being arrested for whatever it was they were investigating, and she was never arrested. She was never approached by any supervisors as to any identity theft. She was never approached by Detective Kahn. The last time she saw Detective Kahn prior to this hearing was at her departmental hearing at which he was present and testified.

Taylor's home was raided in July 2013 and two laptops, two cellphones, over \$2,000 in cash, and insurance checks were removed from her [REDACTED] residence by the FBI. In 2018 she received a telephone call from a Detective Dean from the FBI advising that he wanted to return the confiscated items. He went to her new address at Deerfield Avenue and returned her items to her.

Taylor identified R-15 as the PNDA that she received in person on August 13, 2013, when she was suspended without pay. She went to the employee relations building and

met with Parthemer. She was accompanied by her mother and her baby who was born May 2, 2013. Taylor acknowledged crying in front of Parthemer but denied Parthemer's account of the incident claiming she never admitted to her that she had done it because of her mother and boyfriend. Taylor completed her appeal form the same day she was there August 13, 2013, requesting a hearing. (P-2 at 3.) Her union representative Maddie Harrell was also present when she was served with the PNDA. She was not allowed back on the VDC campus until her hearing in 2018. By letter, dated April 18, 2018, Taylor was served with an amended/ modified PNDA dated April 18, 2018. (P-3.) The hearing was held April 26, 2018, and Detective Kahn testified. His name is on the sign in sheet. (P-4.) She later received a decision that she was terminated. She appealed the FNDA which she received in the mail. (R-17.)

Taylor had a meeting with law enforcement personnel in Camden accompanied by her then lawyer Adam Brent where she was asked questions about tax fraud and identity theft. Taylor said she had no knowledge or involvement with anything. She was threatened with thirty years to life by the attorney general. Following this meeting she was not arrested or charged with tax fraud or identity theft.

Taylor denied any involvement in the identity theft ring or taking consumers' confidential information. She also denied any involvement with filing fraudulent tax returns to the IRS or making purchases with the fraudulently obtained prepaid debit cards. She also claimed she had nothing to do with securing confidential information from VDC's consumers. She has never worked at Elwyn and had no access to any information from Elwyn.

When Taylor lived at [REDACTED], her mother and her boyfriend had keys to her apartment.

When asked to describe the binders located at VDC, Taylor testified that each client had two binders, one specifically for nurses that was red or burgundy and another blue or black binder, and that the binders were kept on carts in the middle of the cottage. She initially denied having access to either of the binders as she was not a nurse, but later

admitted that she did have access to the binders for the consumers she cared for and had to write notes and access their care plan.

Taylor testified that her mail was delivered to the individual mailbox located outside her apartment door. She had a friend, Alexander Russell, take pictures of the front of her old apartment at [REDACTED] on May 14, 2024, following Detective Kahn's testimony about the mailboxes at her complex. The photos depict a mailbox outside of the apartment door, with a top flap that did not need a key to access it. (P-6, A and B.)

Her apartment was located in [REDACTED]. (P-7 A.) P-7B depicts her son outside her [REDACTED] apartment taken on the first day of preschool in September 2010. P-7C is a screen shot taken on February 21, 2012, of Taylor documenting her weight loss. The photos show the front of her apartment and mailbox at [REDACTED]. P-8 shows the front of [REDACTED] and a mailbox and is the same as Taylor's.

On cross-examination Taylor claimed that she did not receive her mail all the time when she was living at [REDACTED]. She never filed a report that she was not receiving all her mail. She claimed she did not check her mail all the time because she worked and was in school. While she admitted that she had two children living with her she claimed that she "sometimes" came home at night. She did not remember seeing mail addressed to other individuals arriving at her home.

Taylor was shown multiple documents sent to [REDACTED] from the IRS and other financial institutions. (R-25 at DHS2291, DHS2301 and DHS2302.) Taylor had no recollection of receiving these letters while Taylor lived at [REDACTED] and did not know the individuals listed. None of them ever lived with Taylor during that period. Several pieces of mail included apartment numbers that Taylor conceded did not exist.

Taylor testified that R.M., a DHS consumer, never lived at [REDACTED] while she resided there (R-2 at DHS 2985.) R.M.'s name was listed on an order for \$635.00 Gucci women's shoes in July 2011, which was delivered to Taylor's address and signed for on August 1, 2011. (R-26.) Taylor claimed that she had never received Gucci shoes, that the signature was not hers and that she did not recall signing for the package.

Taylor testified that prior to her suspension, her only employment was at VDC. During her employment at VDC she made just over \$17.00 an hour. When asked about the items that the FBI had confiscated in the raid, Taylor explained that she had just purchased a new laptop, and that she purchased the second phone as a gift for her daughter's father. She also admitted at the time she had over \$2,000 in cash that was also confiscated. This was a reimbursement she had received from school.

Taylor admitted that when she was asked to work in another cottage due to staffing shortages, she would often report that she was sick to avoid working in the other cottage. She admitted that she was not actually sick but reported sick because she did not want to work at another cottage.

Taylor worked at Sykes cottage prior to her suspension. Terry Harris was her supervisor at Sykes cottage and was the one who was arrested by the FBI for income tax fraud.

Taylor was asked about the phone numbers associated with the two phones. Taylor answered that [REDACTED] is the phone number for her one phone that she still uses currently but denied knowing the number for her other phone.

## **Discussion**

Credibility contemplates an overall assessment of the story of a witness in light of its rationality, internal consistency, and manner in which it "hangs together" with other evidence. Carbo v. United States, 314 F.2d 718 (9<sup>th</sup> Cir. 1963); see In re Polk, 90 N.J. 550 (1982). "The interest, motive, bias, or prejudice of a witness may affect his credibility and justify the [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony." State v. Salimone, 19 N.J. Super. 600, 608 (App. Div.) (citation omitted), certif. denied, 10 N.J. 316 (1952). Credibility findings "are often influenced by matters such as observations of the character and demeanor of witnesses and common human experience that are not transmitted by the record." State v. Locurto, 157 N.J. 463 (1999). A fact finder is expected to base decisions on credibility on his or her common sense, intuition, or experience. Barnes v. United States, 412 U.S.

837 (1973). A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App Div. 1958). testimony, to be believed, must not only proceed from the mouth of a credible witness, but it must be credible in itself. Spagnuolo v. Bonnet, 16 N.J. 546, 554–55 (1954).

Respondent's witnesses were all impartial and testified credibly. Detective Kahn was methodical in explaining the intricacies of the scheme through the voluminous documentary evidence and its connection to Taylor. Ms. Parthemer's testimony was especially compelling regarding Taylor's admission against interest made in Parthemer's office on August 13, 2013. Taylor's testimony was not credible that she had no knowledge or involvement in the identity theft scheme, given the amount of evidence connecting her to it. The evidence that tied Taylor to the tax fraud scheme included the following: there were numerous debit cards sent to her home in the names of developmentally disabled adults; she had access to the personal information and records of developmentally disabled residents at VDC; several confidential informants implicated Taylor in the scheme; and that Taylor made at least seventy-five phone calls from her cell phone to the IRS "Where's My Refund" hotline.

Although Taylor denied knowledge of and involvement in the identity theft and tax fraud ring, she offered no credible explanation as to how her personal information, address and cell phone number came to be repeatedly used in the scheme. Although Taylor denied taking confidential information from consumers at the VDC, Taylor's [REDACTED] address was listed on fraudulent tax returns and debit card applications using VDC consumers confidential information. Taylor admitted two of her cell phones were confiscated by the FBI in 2013 and admitted one of the numbers was her current number ending in [REDACTED]. She testified she had no idea what the telephone number was for her other cell phone. The subpoenaed Sprint records show Taylor's cell phone number as [REDACTED] during the period January 1, 2009, through August 10, 2012. (R-4.) She listed this telephone number as her number when she became employed by the VDC on February 9, 2009. (R-23.) The call records for this number were subpoenaed by Detective Kahn and showed a pattern of calls between Taylor and her mother, S.T. and

then approximately seventy-five calls to the IRS' tax hotline number "Where's My Refund." (R-5.) Detective Kahn testified this was an extraordinarily high number considering an individual only has one tax return filing a year. Detective Kahn conducted the search warrant of Taylor's mother's house which uncovered large amounts of evidence of confidential information regarding VDC and Elwyn consumers. Therefore, I deem Ms. Taylor's testimony that she did not know about or participate in any identity theft or tax fraud scheme to not be credible. It is more likely based on the evidence and as Taylor admitted to Ms. Parthemer, that Taylor was involved in the identity theft tax fraud ring because of pressure exerted upon her by her mother and boyfriend. The search warrant executed at Taylor's mother's house uncovered proof of identity theft of the identities of both VDC and Elwyn residents. Although Taylor had access to VDC consumer confidential information, her address was used to receive prepaid debit cards in the names of both VDC and Elwyn residents. Taylor allowed her mother and boyfriend access to her apartment.

Based upon due consideration of the testimonial and documentary evidence presented at this hearing, and having had the opportunity to observe the demeanor of the witnesses and assess their credibility, I **FIND** the following as **FACTS**:

The Vineland Developmental Center serves a population of developmentally disabled female residents, most of whom have never worked and would not be filing a tax return.

Taylor was employed by the VDC as an CTT with access to personal and confidential consumer information. She was employed at VDC from February 2008 until she was removed August 13, 2013.

Taylor resided at [REDACTED] in [REDACTED] from June 2008 to January 10, 2017. Her cell phone number was [REDACTED]. (R-3.) Her mother, S.T., resided at [REDACTED] in [REDACTED]. Her cell phone number was [REDACTED].

Detective David Kahn's investigation identified Equina Taylor as one of the individuals involved in the identity theft ring from confidential informants, phone and



internet data records, and the banking information he collected from Green Dot and other affiliated banking institutions. Kahn learned that VDC employees, including Taylor, supplied VDC consumers' personal information to create and submit fraudulent tax returns in the names of those consumers and to receive fraudulent tax refunds through prepaid bank cards.

A search warrant executed at Taylor's mother, S.T.'s residence uncovered thousands of names, dates of birth, and social security numbers contained in notebooks throughout the house pertaining to identity theft.

A mail cover surveillance of Taylor's address indicated that numerous pieces of mail, including prepaid debit cards, were sent to her address in the names of persons who never lived at that address. Taylor's address was used on tax returns, tax refunds and prepaid debit cards in the names of VDC consumers who never lived at her address.

Taylor's cell phone number was used to contact the IRS "Where's My Refund" hotline approximately seventy-five times. (R-5.) Detective Kahn testified that in reviewing the phone records he saw a pattern where either Taylor's mother, S.T. would call Taylor or Taylor would call her mother or another related number, then immediately call the "Where's My Refund" line, and afterwards call her mother or the other number back again. Part of the investigation was to verify that Taylor was working on those days of the calls to show it was her using her phone to make the calls. He explained that VDC has its own cell tower on its grounds and the phone records showed that Taylor was either making or receiving calls from her mother's number or the other related number and then contacted the "Where's my Refund" line on her cell phone while at work and then call back the number she had previously been on the line with. (R-5.)

Detective David Kahn, Human Services Police Department provided the following statement, dated August 13, 2013, (R-13):

"Equina Taylor is currently the subject of a Federal Investigation related to the theft of and use of client identities from VDC, theft of government funds, tax fraud, mail fraud, wire fraud and conspiracy to commit same. Evidence recovered during the course of the investigation has determined that Equina Taylor in is in fact a member of an

identity theft/fraud rising using identities originating from VDC and Elwyn, N.J.

On or about February 26, 2010, a Green Dot prepaid debit card in the name of Equina Taylor was funded with a \$4,047.51 tax refund in the name of resident S.W., and a \$1,313.56 tax refund in the name of VDC resident I.P. Green Dot pre-paid debit card records show that Equina Taylor's card was used to make numerous ATM withdrawals and store transaction totaling over \$4,500.

The group that Equina Taylor is a member of is responsible for the fraudulent submission of over 390 tax returns and fraudulent pre-paid debit cards, totaling an attempted governmental loss of over \$1.5 million."

(R-13.)

On various dates between approximately 2010 and 2012 Taylor knowingly participated in an identity theft scheme, conspiring for the purpose to receive money ill-intended for consumers at VDC and group homes. Tax returns issued in the names of consumers were loaded onto numerous prepaid debit cards, some of which were activated in the names of VDC and group home residents. The documentation shows that these prepaid debit cards were sent to Taylor's home address at [REDACTED] in [REDACTED], under consumer names, and her personal cell phone was utilized to check on the balances of these cards.

Green Dot accounts opened up in the name of VDC consumers using Taylor's [REDACTED] address as their address although they never lived there were I.P., D.W., A.K., and A.T. Green Dot accounts opened up in the name of Elwyn consumers using Taylor's [REDACTED] address as their address although they never lived there were C.M., A.B., R.M. and Z.B. (R-8.)

An income tax return for VDC resident B.L. listed Taylor's [REDACTED] address as the address on the return. (R-12.)

R.M., a DHS consumer, never lived at [REDACTED], yet R.M.'s name was listed on an order for \$635 Gucci's women's shoes which were delivered to Taylor's address and signed for on August 1, 2011. (R-26.)

Linda Parthemer, the VDC Employee Relations Coordinator, testified that on August 13, 2013, after a department-level hearing, Taylor came into her office and Taylor was very upset. Taylor told her that she never would have done what she was accused of if they hadn't made her do it, referring to her mother and boyfriend who had accompanied her to the hearing. Taylor was crying and indicated she would have no place to go if she lost her job. Taylor's mother was in the hallway holding an infant and pacing back and forth. Parthemer asked Taylor if her mother would help her out while she was suspended. Taylor told Parthemer her mother would not let her live there if she lost her job and she could not have lived there if she did not take the actions that she did, which to Parthemer's understanding was that she took information from residents and used it for identify theft. Parthemer then asked her if her boyfriend might help her out and she told Parthemer the same thing that the boyfriend would not help her if she did not take these actions. Taylor continued to cry and Parthemer felt sorry for her but that at that point there was nothing Parthemer could do. She had to wait for the hearing officer's decision. Parthemer told Taylor let's wait and see what the hearing officer decides. Taylor eventually calmed herself down and left. Parthemer does not recall having any further contact with Taylor.

Parthemer identified R-14 as her signed July 2, 2020, statement regarding her interaction with Taylor on August 13, 2013, and testified to its accuracy. Parthemer remembers the incident because she never had anybody come into her office after a hearing like that, so it surprised her and just stuck in her memory.

Pursuant to Administrative Order 4:08, DHS maintains a Corrective and Disciplinary Action Booklet. (R-18.) Whenever it is necessary to take administrative action against an employee, this booklet contains the guidelines that have been adopted so that every employee is treated the same objectively. The booklet sets forth the charge and then sets forth the range of discipline for a first offense, then for a second and a third offense. This is what the administrators and managers follow if discipline is to be imposed. The employees all receive a copy of this booklet at orientation, and it applies to every employee in the facility.

The Table and Offenses and Penalties (R-18) list the penalty for a C-8.1 offense of "Falsification; Intentional misstatement of material fact in connection with work, employment, application or in any record, report, investigation or other proceeding" as ranging from a minimum penalty of counselling to a maximum penalty of removal. The penalty for a C-10.1 offense of "Divulging confidential information without proper authority" ranges from a minimum penalty of counselling to a maximum penalty of removal. The penalty for a violation of a C-13.1 offense of "Actual or attempted theft of State property or equipment or property of other employees, residents, clients or patients" as ranging from a minimum penalty of a one-day suspension to a maximum penalty of removal. The penalty for a C-16.1 offense of "Notoriously disgraceful conduct" ranges from a minimum penalty of a thirty working day suspension to a maximum penalty of removal. The penalty for an E-1.1 offense of "Violation of a rule, regulation, policy, procedure, order or administrative decision" ranges from a minimum penalty of counselling to a maximum penalty of removal. The penalty for an E-2.1 offense of "Intentional abuse or misuse of authority or position" ranges from a minimum penalty of counselling to a maximum penalty of removal. (R-18.)

### **LEGAL ANALYSIS AND CONCLUSION**

Appellant's rights and duties are governed by laws including the Civil Service Act and accompanying regulations. A civil service employee who commits a wrongful act related to his or her employment may be subject to discipline, and that discipline, depending upon the incident complained of, may include a suspension or removal. N.J.S.A. 11A:1-2, 11A:2-6, 11A:2-20; N.J.A.C. 4A2-2.

The Appointing Authority shoulders the burden of establishing the truth of the allegations by a preponderance of the credible evidence. Atkinson v. Parsekian, 37 N.J. 143, 149 (1962). Evidence is said to preponderate "if it establishes the reasonable probability of the fact." Jaeger v. Elizabethtown Consol. Gas Co., 124 N.J.L. 420, 423 (Sup. Ct. 1940) (citation omitted). Stated differently, the evidence must "be such as to lead a reasonably cautious mind to a given conclusion." Bornstein v. Metro. Bottling Co., 26 N.J. 263, 275 (1958); see also Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div. 1959).

Appellant has been charged with N.J.A.C. 4A:2-2.3(a)6 Conduct unbecoming public employee. "Conduct unbecoming a public employee" is an elastic phrase, which encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atlantic City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained -of conduct and its attending circumstances "be such as to offend publicly accepted standards of decency." Karins, supra, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). Such misconduct need not necessarily "be predicated upon the violation of any particular rule or regulation but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct." Hartmann v. Police Dep't. of Ridgewood, 258 N.J. Super. 32, 40 (App. Div.1992) (quoting Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955)).

Appellant has also been charged with violating N.J.A.C. 4A:2-2.3(a)(12), "Other sufficient cause." Other sufficient cause is an offense for conduct that violates the implicit standard of good behavior that devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct. The charges constituting "other sufficient cause" are for violations of the following: A.O. 4:08 C-8.1: Falsification; Intentional misstatement of material fact in connection with work, employment, application or in any record, report, investigation or other proceeding; A.O. 4:08 C-10.1: Divulging confidential information without proper authority; A.O. 4:08 C-31.1: Actual or attempted theft of State property or equipment or property of other employees, residents, clients or patients; A.O. 4:08 C-16.1: Notoriously disgraceful conduct; A.O. 4:08 E-1.1: Violation of a rule, regulation, policy, procedure, order or administrative decision; and A.O. 4:08 E-2.1: Intentional abuse or misuse of authority or position.

Detective David Kahn's investigation identified Equina Taylor as one of the individuals involved in the identity theft ring from confidential informants, phone and internet data records, and the banking information he collected from Green Dot and other affiliated banking institutions. Kahn learned that VDC employees, including Taylor,

supplied VDC consumers' personal information to create and submit fraudulent tax returns in the names of those consumers and to receive fraudulent tax refunds through prepaid bank cards. Taylor's address was used on tax returns, tax refunds and prepaid debit cards. Taylor's cell phone number was used to contact the IRS' "Where's My Refund" hotline approximately seventy-five times. Taylor admitted her involvement in the identity theft scheme to VDC Employee Relations Coordinator Linda Parthemer on August 13, 2013.

Taylor's conduct adversely affects the morale and efficiency of the DHS and has a tendency to destroy public respect in the delivery of governmental services. Her conduct in participation in an identity theft and tax fraud ring involving the vulnerable VDC population of developmentally disabled individuals offends publicly accepted standards of decency and violates the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.

Based on the above, I **CONCLUDE** that respondent has sustained its burden of proving by a preponderance of the credible evidence that appellant violated N.J.A.C. 4A:2-2.3(a)6 Conduct unbecoming a public employee and N.J.A.C. 4A:2-2.3(a)12, Other sufficient cause – for violations of A.O. 4:08 C-8.1: Falsification; Intentional misstatement of material fact in connection with work, employment, application or in any record, report, investigation or other proceeding; A.O. 4:08 C-10.1: Divulging confidential information without proper authority; A.O. 4:08 C-31.1: Actual or attempted theft of State property or equipment or property of other employees, residents, clients or patients; A.O. 4:08 C-16.1: Notoriously disgraceful conduct; A.O. 4:08 E-1.1: Violation of a rule, regulation, policy, procedure, order or administrative decision; and A.O. 4:08 E-2.1: Intentional abuse or misuse of authority or position.

### **Penalty**

The remaining issue is penalty. The Civil Service Commission's review of a penalty is de novo. N.J.S.A. 11A:2-19 and N.J.A.C. 4A:2-2.9(d) specifically grant the Commission authority to increase or decrease the penalty imposed by the appointing authority. General principles of progressive discipline involving penalties of increasing

severity are used where appropriate. Town of W. New York v. Bock, 38 N.J. 500, 523 (1962). Typically, the Board considers numerous factors, including the nature of the offense, the concept of progressive discipline and the employee's prior record. George v. N. Princeton Developmental Ctr., 96 N.J.A.R.2d (CSV) 463.

"Although we recognize that a tribunal may not consider an employee's past record to prove a present charge, West New York v. Brock, 38 N.J. 500, 523 (1962), that past record may be considered when determining the appropriate penalty for the current offense." In re Phillips, 117 N.J. 567, 581 (1990). Ultimately, however, "it is the appraisal of the seriousness of the offense which lies at the heart of the matter." Bowden v. Bayside State Prison, 268 N.J. Super. 301, 305 (App. Div. 1993), certif. denied, 135 N.J. 469 (1994).

Appellant has been found to have violated N.J.A.C. 4A:2-2.3(a)6 Conduct unbecoming a public employee and N.J.A.C. 4A:2-2.3(a)12, Other sufficient cause – for violations of A.O. 4:08 C-8.1: Falsification; Intentional misstatement of material fact in connection with work, employment, application or in any record, report, investigation or other proceeding; A.O. 4:08 C-10.1: Divulging confidential information without proper authority; A.O. 4:08 C-13.1: Actual or attempted theft of State property or equipment or property of other employees, residents, clients or patients; A.O. 4:08 C-16.1: Notoriously disgraceful conduct; A.O. 4:08 E-1.1: Violation of a rule, regulation, policy, procedure, order or administrative decision; and A.O. 4:08 E-2.1: Intentional abuse or misuse of authority or position.

As set forth above in the findings of fact, pursuant to Administrative Order 4:08, DHS maintains a Corrective and Disciplinary Action Booklet setting forth the ranges of penalties for an infraction (R-18.) All of the sustained charges against Taylor carry a maximum penalty of removal.

Taylor's conduct in this case is egregious and warrants the maximum penalty of removal. She worked as a direct care worker at the VDC which serves a vulnerable population of developmentally disabled individuals. She had a duty to safeguard VDC consumer's personal and confidential information and her participation in an identity theft and tax fraud scheme involving the vulnerable VDC population offends publicly accepted standards of decency and violates the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.

Therefore, I **CONCLUDE** respondent's actions in removing appellant from her position is appropriate and in accordance with the guidelines set forth in the DHS's Disciplinary Action Booklet.

### **ORDER**

It is **ORDERED** that the charges as set forth above are **SUSTAINED**.

It is also **ORDERED** that the penalty of removal is **AFFIRMED**. Appellant's appeal is **DISMISSED**.

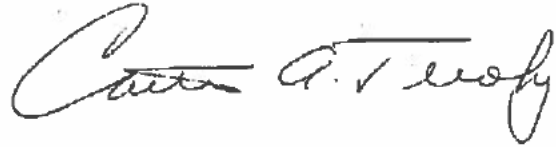
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked



"Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



November 18, 2024

DATE

CATHERINE A. TUOHY, ALJ

Date Mailed to Agency:

emailed November 18, 2024

Date Mailed to Parties:

emailed November 18, 2024

CAT/gd

**APPENDIX**

**WITNESSES**

**For appellant**

Equina Taylor

**For respondent**

David S. Kahn

Linda Parthemer

Timothy Vargulish-Chow

Lois Robinson

Joseph Clauss

Nicole Butler

**EXHIBITS**

**For appellant**

- P-1 Supplementary Investigation Report of David Kahn dated January 3, 2012, (DHS 018-023) six pages
- P-2 PNDA dated August 9, 2013, personally served on petitioner August 13, 2013, and notice of appeal dated August 13, 2013, (DHA 001-003) three pages
- P-3 April 18, 2018, letter to petitioner from Employee Relations enclosing amended PNDA dated April 18, 2018, amending PNDA of August 9, 2013, (DHS 004-006) three pages
- P-4 VDC Office of Employee Relations Departmental hearing sign-in sheet re: Equina Taylor April 26, 2018, (DHS 012)
- P-5 not in evidence
- P-6A Copy of photograph of exterior of [REDACTED] (long shot)
- P-6B Close up shot of photograph of exterior of [REDACTED]
- P-7A [REDACTED] photo from housing authority website

- P-7B Copy of screen shot of photograph of petitioner's son in front of [REDACTED]  
[REDACTED]
- P-7C Copy of screen shot of photograph of petitioner in front of [REDACTED]
- P-8 Copy of photograph of [REDACTED] taken off Google search of  
[REDACTED], [REDACTED], NJ

**For respondent**

- R-1 DHS Police Report, Bate Stamped 16-21
- R-2 April 5, 2012, cover letter to Synovus Bank from Detective David S. Kahn enclosing subpoena to Green Dot for account holder information on VDC & Elwyn clients on attached list of VDC and Elwyn Residents as of February 16, 2011, (DHS 2969-2990)
- R-3 Sprint Letter to Kahn from Subpoena Specialist Schmelzel re: [REDACTED]  
[REDACTED] Bate Stamped 2394-2401
- R-4 Sprint Key, Bate Stamped 2378-2388
- R-5 Sprint records with cell sites, Excel
- R-6 Sprint records request, TAYLOR 1123-1150
- R-7 Comcast records, TAYLOR003
- R-8 Green Dot letter and records, Bate Stamped 40-2040
- R-9 Green Dot activity and transfers, Flash drive
- R-10 IRS tax document
- R-11 Santa Barbara documents, Bate Stamped 2647-2957
- R-12 Tax return for Bertha Loatman, Bate Stamped 2628-2634
- R-13 Statement by Kahn, Bate Stamped 24
- R-14 Linda Parthemer Certification/Statement, Bate Stamped 2125-2127
- R-15 PNDA dated August 9, 2013, Bate Stamped 1-2
- R-16 PNDA, modified April 18, 2018, Bate Stamped 5-6
- R-17 FNDA dated May 17, 2018
- R-18 A.O. 4:08
- R-19 Change of address form from [REDACTED] to [REDACTED], Bate  
Stamped 2054
- R-20 Talyor dental forms
- R-21 Accident injury report dated June 16, 2010, Bate Stamped 2056

- R-22 not in evidence
- R-23 VDC Employee Inquiry dated April 12, 2013, Bate Stamped 2057
- R-24 not in evidence
- R-25 copies of envelopes addressed to [REDACTED] (DHS 2291, 2294, 2301 & 2302) four pages
- R-26 July 29, 2011, sales order and August 1, 2011, proof of delivery for customer R.M. at [REDACTED] of Gucci shoes (Taylor 526 – 527) two pages

N.B. Respondent also provided a **flash drive** containing complete redacted copies of those respondent exhibits referenced above.