



STATE OF NEW JERSEY

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

In the Matter of Stephanie Pereira,
Sheriff's Officer (S9999U), Union
County

List Removal Appeal

CSC Docket No. 2018-2440

ISSUED: OCTOBER 31, 2018 (ABR)

Stephanie Pereira appeals her removal from the Sheriff's Officer (S9999U), Union County eligible list on the basis of a falsified application.

The appellant, a non-veteran, took the open competitive examination for Sheriff's Officer (S9999U), Union County, which had a closing date of August 31, 2016. The subsequent eligible list promulgated on March 29, 2017 and expires on March 30, 2019. The appellant's name was certified to the appointing authority on May 23, 2017.

In disposing of the certification, the appointing authority requested the removal of the appellant's name due to a falsified application. Specifically, the appointing authority indicated that she failed to disclose multiple motor vehicle summonses when asked to list them in response to Question 107, which asked "Have you ever received a summons for a violation of the Motor Vehicle Laws in this or any other State?" and that she responded "no" to Question 97, which asked "Have you ever received a summons, been charged with, or been arrested for a violation of the Disorderly Persons Act, or any City ordinance?" The appellant stated on her pre-employment application that she had received summonses for use of a handheld cell phone while driving in November 2013; unsafe operation of a motor vehicle in October 2015; and driving without a license, registration or insurance in September 2016. The appointing authority submitted documentation from the New Jersey Automated Traffic System, which indicated that her driving record between 2010 and 2017, included, in relevant part, the following infractions : speeding in May 2010; failure to observe a traffic control device in May 2010; careless driving in July

2010; violating graduated driver's license passenger restrictions in July 2010; using a handheld cell phone while driving in September 2010 and November 2013; unsafe operation of a motor vehicle in October 2015; unpaid parking tickets in July 2016; and driving without license, registration or insurance identification in her possession in September 2016. The appointing authority also furnished documentation from the New Jersey Automated Complaint system which indicated that she pled guilty to possessing alcoholic beverages in a State park in October 2012 and paid a fine.

On appeal to the Civil Service Commission (Commission), the appellant asserts, in relevant part, that she relied upon her five-year Certified Driver's Abstract when listing her driving history in the pre-employment application because that was the only information the Motor Vehicle Commission (MVC) gave her and she "could not remember back to 2010 when [she] was 17 years old." As such, she maintains that she did not intend to deceive the appointing authority. Additionally, she submits that she was "young and dumb" when she received her driver's license at age 17 and she acknowledges that she did not pay careful attention to driving laws in her early years as a driver. However, she maintains that at present, as a 26-year-old mother, she has become very responsible. Further, she contends that the nature and dates of her driving infractions and her lack of intent to deceive the appointing authority make her removal from the subject eligible list on the basis of her failure to disclose all of her motor vehicle law violations unwarranted. With regard to the May 2012 alcohol possession ticket, the appellant states that she did not previously disclose it because she did not remember it being issued to her. She explains that after learning of her removal from the subject eligible list, she researched the matter and believes that it involved an incident at a State park campsite that she reserved and shared with six individuals during Memorial Day Weekend 2012. She emphasizes that she was not detained for possession of alcohol during that weekend. Rather, an officer at the State park spotted one of the other individuals at her campsite in possession of alcohol when she was not present. She explains that the ticket was issued in her name and mailed to her because she was the person who rented the campsite. Therefore, she argues that her failure to disclose this incident on her pre-employment application does not support her removal from the subject eligible list, particularly as it was unintentional.

In response, the appointing authority submits copies of the documentation it provided to the Commission when requesting the removal of each appellant's name from the subject eligible list.

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 an appointing authority's decision to remove his or her name from an eligible list was in error.

In the instant matter, the appellant's failure to disclose multiple motor vehicle summonses in her driving record provides sufficient cause to remove her name from the subject eligible list. The appellant asserts that she did not list the additional driving infractions in her pre-employment application because they did not appear on the MVC's five-year Certified Driver's Abstract and she did not otherwise remember them. Therefore, she argues that she did not intentionally mislead the appointing authority and the omissions should not be held against her. The Commission notes that the appellant presumably received tickets for each citation. Therefore, the appellant should have been aware of the citations that she failed to disclose. Further, a candidate is responsible for the completeness and accuracy of their application. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Regardless, it must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as a Sheriff's Officer, to ensure that her pre-employment application is a complete and accurate depiction of her history. It must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as a Sheriff's Officer, to ensure that her pre-employment application is a complete and accurate depiction of her 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 his 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). The information that the appellant failed to disclose is considered material and should have been accurately indicated on her pre-employment application. At minimum, the appointing authority needed this information to have a complete understanding of her background and thereby properly evaluate her candidacy. Her failure to disclose this information is indicative of the appellant's lack of integrity and questionable judgment. Such qualities are unacceptable for an individual seeking a position as a Sheriff's Officer. Therefore, her failure to disclose the infractions in her driving record supports her removal from the subject eligible list on the basis of a falsified application.

Accordingly, it is unnecessary to address whether the appellant's responding "no" to a question on her pre-employment application which asked if she had "ever received a summons, been charged with, or been arrested for a violation of the Disorderly Persons Act, or any City ordinance," would also support her removal from the subject 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 31ST DAY OF OCTOBER, 2018



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