



**STATE OF NEW JERSEY**

In the Matter of Jeremy Feliciano,  
Police Officer (S9999U), Newark

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

CSC Docket No. 2018-3439

List Removal Appeal

**ISSUED: NOVEMBER 21, 2018 (SLK)**

Jeremy Feliciano, represented by Bette R. Grayson, Esq., appeals his removal from the eligible list for Police Officer (S9999U), Newark on the basis that he falsified his application.

The appellant took the open competitive examination for Police Officer (S9999U), 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 disclose: (1) a June 23, 2014 summons for a violation of a city ordinance for open container alcohol; (2) an April 10, 2015 motor vehicle summons for failure to obey directional signal; and (3) a March 19, 2014 motor vehicle summons for delaying traffic.

On appeal, the appellant states that he did provide his New Jersey Driver's Abstract (Driver's Abstract) with his application which contained the two motor vehicle summonses. Therefore, he clearly knew that these violations were being disclosed to the appointing authority and he misunderstood the directions as he assumed he was only supposed to indicate additional violations on his application that were not listed on the Driver's Abstract. Concerning the open container alcohol summons, the appellant states that he acknowledged to the court that it was his cooler, but explained that he was unaware that there was liquor in his cooler and the liquor was not his. Therefore, he assumed that the ticket that he had to pay was not on the record because others who received similar summonses were required to

attend a program and to not receive any summonses/tickets concerning possession or use of alcohol for a year. The appellant argues that he had no intent to withhold information from the appointing authority that was material to the position sought and these omissions from his application are not sufficient for removal.

In response, the appointing authority, represented by Karron A. Rizvi, Assistant Corporation Counsel, submits its background report to support its reasons for removing the appellant from the list.

In reply, the appellant submits an affidavit explaining that he was not fingerprinted when he was issued a summons for an open container that he says was not his and he had not been drinking from. However, when no one claimed ownership for the container, the police officer issued him a summons because his name tag was on the picnic basket. The appellant indicates that he did not think the event was recorded as he was neither arrested nor charged. He emphasizes that he has family members who are public safety officers and it is his understanding that this type of ticket would not be grounds for his removal from the Police Officer list. Therefore, the appellant assumed that being issued a summons without being fingerprinted was the equivalent of being issued a ticket and he did not believe that the question on the application was asking him to disclose this type of ticket. He reiterates that he did submit his Driver's Abstract which included his entire motor vehicle record and therefore he thought he was only being asked to identify any additional motor vehicle incidents that were not on his Driver's Abstract.

In further response, the appointing authority presents that the application clearly instructs candidates that the omission of information will result in the removal of the candidate's name from the list and the appellant failed to list two motor vehicle summonses and an open container alcohol summons although he was instructed to provide all summonses related to motor vehicle and city ordinance violations. Further, although the appellant claims that these omissions were not purposeful, he should have erred on the side of full disclosure. Moreover, the appellant has failed to show that the appointing authority's actions were in error under Civil Service regulations.

In further reply, the appellant highlights that the appointing authority does not dispute that he submitted his Driver's Abstract with his application that disclosed incidents, which is why he believed he did not need to repeat this information in the application itself since he presented a government prepared document. Therefore, he argues that the appointing authority's actions were arbitrary, capricious and unreasonable.

## 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. *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, even if the Commission accepts the appellant's argument that he did not falsify his application with respect to his motor vehicle summonses because he submitted his Driver's Abstract which included these summonses, the appellant did falsify his application by omitting the open container alcohol summons. While the appellant claims he did not realize that there was a record related to the open container alcohol summons based on the fact that he was not fingerprinted for the incident, the appellant was asked to disclose any charge or a violation of a city ordinance. There was no qualifier on the appointing authority's application to only disclose violations where there was "a record." Further, it is noted that a candidate is responsible for the accuracy of his or her application and any failure to include information is at the candidate's peril. See *In the Matter of Harry Hunter* (MSB, decided December 1, 2004) and *In the Matter of Jeffrey Braasch* (MSB, decided December 1, 2004). Moreover, 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. In that respect, it is recognized that a Police Officer is a law enforcement employee who must enforce and promote adherence within to the law. Police Officers hold highly visible and sensitive positions within the community and that the standard for an applicant includes good character and an image of the utmost confidence and trust. It must be recognized that a Police Officer is a special kind of employee. His primary duty is to enforce and uphold the law. He carries a service revolver on his person and is constantly called upon to exercise tact, restraint and good judgment in his relationship with the public. He represents law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public. See *Moorestown v. Armstrong*, 89 *N.J. Super.* 560, 566 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). See also *In re Phillips*, 117 *N.J.* 567 (1990). Therefore, while the open container alcohol charge may not have been grounds to remove him from the list, at minimum, the appointing authority needed this information to have a complete understanding of his background to properly evaluate his candidacy. See *In the Matter of Dennis Feliciano, Jr.* (CSC,

decided February 22, 2017). Finally, if the appellant was unsure as to whether to include the summons on his application he could have sought clarification. To omit that information completely clearly was improper and deprived the appointing authority a complete record upon which to make its employment determination.

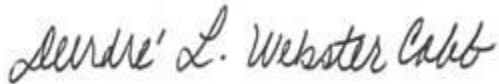
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Police Officer (S9999U), Newark eligible list.

**ORDER**

Therefore, it is ordered that these appeals 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 26<sup>th</sup> DAY OF NOVEMBER, 2018



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