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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0567-21

IN THE MATTER OF
JEFFREY ADAMS,
COUNTY CORRECTIONAL
POLICE OFFICER (S9999U),
COUNTY OF ESSEX.

Submitted January 19, 2023 – Decided July 25, 2023

Before Judges Accurso and Firko.

On appeal from the New Jersey Civil Service
Commission, Docket No. 2021-1687.

Fusco & Macaluso, PC, attorneys for appellant Jeffrey
Adams (Alexandra Macaluso, on the brief).

Jerome St. John, County Counsel, attorney for
respondent Essex County Department of Corrections
(Olivia Schumann, Assistant County Counsel, on the
brief).

Matthew J. Platkin, Attorney General, attorney for
respondent New Jersey Civil Service Commission
(Eric A. Reid, Deputy Attorney General, on the
statement in lieu of brief).

PER CURIAM

Jeffrey Adams appeals from the September 7, 2021 final agency determination of the Civil Service Commission upholding the decision of the Essex County Department of Corrections to remove Adams from the list of eligible candidates for the position of county correctional police officer because of false statements on his application. We affirm.

The essential facts are easily summarized. Adams got a passing score on the Civil Service exam for county correctional police officer and was placed on the eligible list. As part of the application process, he was required to complete a background investigation questionnaire. A copy of the instructions, which Adams signed, admonished applicants to make sure their information was "correct and in proper sequence"; and advised that they were "responsible for obtaining correct . . . information," personally researching the answer to any question they were unsure of; and that "ALL TIME PERIODS in [their] background must be accounted for." The instructions specifically warned that "[a]ll information must be true and accurate in all respects or you may be disqualified" and that "[a] complete background investigation will be conducted to verify the information contained in this questionnaire."

Notwithstanding that advice, Adams responded to the question of whether he'd ever been served with a summons, including for a traffic

violation, by listing seven offenses, six from 2008, all of which had been dismissed, and one "street cleaning" violation from 2018, which he indicated he "paid." In the section inquiring about "motor vehicle history," Adams answered "yes" to the question of whether he'd ever had his license "suspended or revoked." Asked "how many times," Adams answered "once," from "9/2010 to 9/2011" for a "2008 accident investigation [that was] 100% other driver's fault."

In response to the question asking whether he'd ever been in an accident resulting in "personal injury, death, or property damage," Adams listed two accidents: the 2008 crash in which "the other driver made a left turn in front of" him, which "was 100% the other driver's fault," and a 2015 accident that "was not" him. Adams listed three moving violations from 1988 and a summons for failure to have insurance, as well as "many parking tickets" while working in Jersey City and Union City. The only tickets he listed separately included one overtime meter violation and two "street cleaning" tickets, all three of which he paid. Adams signed the application certifying "that the above information is correct and truthful" and acknowledging that "[f]ailure to disclose" the information requested could "result in [his] being removed from the eligibility list."

Essex County removed Adams from the eligible list when a background investigation revealed his answers to the questions we highlighted were incomplete and inaccurate — at best. Specifically, Adams's background investigation revealed forty-six summonses, one for leaving the scene of an accident, and that his license had been suspended fourteen times. The investigation also revealed Adams had been involved in seven accidents, one fatal. Adams's Motor Vehicle Commission abstract revealed eight moving violations, as well as numerous failures to appear in court when required, one leading to a bench warrant for his arrest.

The Civil Service Commission upheld Essex County's decision to remove Adams from the eligible list for falsifying his application, finding Adams made false statements of material fact in his answers to the background questionnaire. See N.J.A.C. 4A:4-4.7(a)(1) (permitting removal of a person from an eligible list for making "a false statement of any material fact or attempt[ing] any deception or fraud in any part of the selection or appointment process" in accord with N.J.A.C. 4A:4-6.1(a)(6)). Specifically, the Commission found that "even if there was no intent to deceive," the sheer "number and scope of the moving violations, parking tickets and license suspensions" made Adams's failure to disclose them material.

The Commission also had no hesitation in finding Essex County needed the information Adams omitted "[a]t minimum" in order "to have a complete understanding of his background . . . to properly evaluate his candidacy." The Commission noted that county correctional police officers, "like municipal police officers, hold highly visible and sensitive positions within the community." Applicants for these positions are held to a "standard . . . [that] includes good character and an image of utmost confidence and trust," and "[t]he public expects correctional police officers to present a personal background that exhibits respect for the law and rules."

The Commission denied Adams's request for reconsideration, rejecting his argument that he was prejudiced by the County's failure to provide him a copy of the questionnaire he submitted and reiterating its position that Adams's "omissions were . . . material as they bear on [Adams's] character and suitability for a law enforcement position."

Adams appeals, arguing we should reverse the Commission's decision and restore him to the eligible list because the County "never provided [its] background investigation of [Adams], and therefore, it was never considered." Adams also argues that even were we to find he "withheld information," the Commission's decision was arbitrary because "the information withheld is not

material to [the] position sought." Having reviewed the record, we reject both arguments as without merit.

Our review of administrative agency decisions is limited. In re Stallworth, 208 N.J. 182, 194 (2011). "[A] determination of the Civil Service Commission will not be upset unless 'it was arbitrary, capricious or unreasonable, or that it lacked fair support in the evidence, or that it violated legislative policies expressed or implicit in the civil service act.'" Gloucester Cnty. Welfare Bd. v. State Civ. Serv. Comm'n, 93 N.J. 384, 391 (1983) (quoting Campbell v. Civ. Serv. Dep't, 39 N.J. 556, 562 (1963)). We "intervene only in those rare circumstances in which an agency action is clearly inconsistent with its statutory mission or with other State policy." Brady v. Bd. of Rev., 152 N.J. 197, 210 (1997) (quoting George Harms Constr. Co. v. N.J. Tpk. Auth., 137 N.J. 8, 27 (1994)).

This is not one of those cases. There is no question but that Adams made material omissions in his background questionnaire. Adams contends the Civil Service Commission concluded he made "falsifications . . . without reviewing [his] responses alleged to be falsified," apparently because the County "did not present any submissions for review." But Adams admits his driving record is what the County's background investigation revealed and

does not challenge those findings as inaccurate. He also admits, as he must, that he did not disclose to the County the nature or extent of his driving record as it exists in the records of the Motor Vehicle Commission.

Adams instead contends "he did not withhold information" because "he answered to the best of his ability," the County "was on notice due to his answers," and the allegedly "withheld information was not material" in any event. Adams's argument ignores he was advised of the need for accuracy in his responses in the instructions, including that it was his responsibility to research the answers to any questions he was unsure about. Adams cannot foist his responsibility onto the County by contending his answers put it "on notice" that his driving record was "something the investigators should look into."

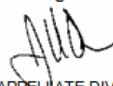
Adams claims this case is unique because after being removed from the eligible list in 2020, he reapplied to be a county correctional police officer, attaching to his application the information the investigators uncovered, and was subsequently hired. He contends the Commission's conclusion that his "falsifications and omissions are material as they bear on [his] character and suitability for a law enforcement position" is refuted by the County having subsequently employed him "in the very same position that he was initially

barred from: correctional officer for the Essex County Corrections Department."

While the wisdom of the County in hiring Adams after its investigation revealed he was not candid in his initial application is not before us, the weakness in his argument as it relates to the materiality of the omitted information is readily apparent. Adams made a clean breast of his driving record in his second application for the job, attaching to his second application the information he omitted from his first. Had he reapplied by simply resubmitting his first application, he would undoubtedly have been denied the job again. It was not the information that the County deemed material but Adams's omission of it after being admonished about the importance of being truthful.

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION