No. ____

In The Supreme Court of Ridgeway

PALMER POLICE DEPARTMENT, PETITIONER

v.

BLOXWATCH_CD, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPERIOR COURT OF RIDGEWAY FOR THE DISTRICT OF RIDGEWAY

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

The Administrative Procedure Act (APA), 2 R. Stat. § 3101 *et seq.*, governs employment standards that run the gamut from hiring practices and discharges to employee rights and legal remedies. Since the APA's enactment in 2022, state agencies have time and time again deferred to its broad provisions regarding hiring practices. So too have municipal agencies. These provisions often leave the door open to allow agencies with subject-matter expertise to determine individualized department standards. The decision below, however, rejects individual agency interpretations, citing concern that they would "supersede" one another. The question presented is:

Whether multiple agencies that are entrusted with enforcing a single statute may adopt individually tailored interpretations of its silent provisions.

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OPINION BELOW

The judgment of the superior court (Pet. App., *infra*, at 1a-6a) is reported at RSC-AD-2774. All transcripts and case information are also available.

JURISDICTION

The judgment of the administrative court was entered on May 28, 2024. This Court's jurisdiction is invoked under Rid. R. Sup. Ct. 12(1).

STATEMENT

A. Factual and Regulatory Background.

1. In 2022, the Ridgeway State Legislature enacted the APA as a way to define the inner branches of executive departments. In its simplest form, it provides processes for how departments govern themselves on a day-to-day basis. As relevant here, the APA provides several employment standards that agencies are expected to uphold, including "[b]ackground checks" that are conducted over an "objective criteria" that remains "static and non-subjective." 2 R. Stat. § 3233. While the statute does not define objectivity, it does so intentionally; in fact, many of its provisions are unclear.

Under this same scheme, the APA charges agencies with the authority to "promulgate additional rules, policies, or procedures which would * * * [extend the law] to disallow employment in [the agency]." 2 R. Stat. § 3208.

Law enforcement agencies regularly rely on this interpretive authority to impose individualized department interpretations of vague or silent law. For instance, the Palmer Police Department (PPD) recently branched off of the "objective criteria" requirement when it interpreted a provision of the APA which vaguely requires "reasonableness" in denying an applicant on the basis that he is an alternate account. See PPD, *Palmer Police Department Final Rule*, Rule 53-2024. (Pub. May 2024) (*PPD Rule*). The PPD Rule is one of many official and unofficial interpretations of the APA's hiring standards. At face value, such rules fall squarely within the meaning of "extending" the provisions of the APA—*i.e.*, interpreting the existing language to "extend" a new meaning—as grounds for denying employment. This grant of interpretive authority is no more available to PPD than it is to other agencies. And while multiple agencies may interpret the APA's provisions differently, each rule is exclusive to the "agencies and departments" that interpret the law.

2. In March of 2023, PPD initiated a "non-competitive" hiring round. Under the APA, a hiring round is non-competitive when the employment vacancies are not limited to a set number of applicants. BloxWatch_CD and Varkrus, along with hundreds of other applicants, applied to PPD, seeking full-time employment. When evaluating a pool of candidates, the PPD considers many factors, some of which are required by the APA.[1] These factors are judged by an objective, fair criteria. One of the factors that departments are *required* to weigh is the "reasonableness" that an applicant is an alternate account. Under this "reasonable" scrutiny, an applicant can be denied

[1] The APA requires departments to consider, at a minimum, if a candidate is an alternate account, if they have their inventory open, their involvement in criminal organizations, if any at all, and criminal records, *inter alia*. See 2 R. Stat. §§ 3235(i)(ii)(iii)(iv)(v).

employment if the possibility that he is an alternate account is "reasonable." Nine times out of ten, departments rely on this authority to deny employment because alternate accounts are all too common.

a. Hundreds of potential candidates were reviewed under this standard. So were the petitioners. Even so, they were denied on the "reasonableness" that they were alternate accounts. As a general matter, the petitioners are seemingly ideal candidates. BloxWatch_CD is employed by the Ridgeway Parks Service; Varkrus is a former police officer who is now also employed by the Ridgeway Parks Service. While the petitioners' resumes are acceptable on their face, the PPD considers a variety of other factors—including inventory, badges, and watchlist status—under "reasonableness" to determine the likelihood of an applicant being an alternative account. In consideration of these factors—and upon close review of them—the PPD concluded that the petitioners lacked badges, clothes, and other inventory accessories. In addition, the PPD also considered a Sherriff's Office watchlist which flagged Varkrus for dealing government-issued items. Consequently, the PPD denied the petitioners' applications out of the reasonable likelihood that they were alternate accounts, citing the APA as its primary source of authority. Petitioners contested the denial of their applications, appealing the decision.

b. In their appeal to the PPD, the petitioners contended that the grounds for denial were not factually accurate. They also argued that they were not alternate accounts, citing previous instances where they passed background checks in other agencies. This appeal was not overlooked, and the PPD gave it due consideration. In a multi-page report, the application committee reconsidered its decision to deny petitioners' applications, deferring to department practice and statutory authority as guiding light. On secondary review of BloxWatch_CD's denial of employment, the PPD found that there were numerous flags that "usually indicate an alternative account." Pet. App. at 7a. These flags include an "extremely low badge count" that does

not correspond to the age of his account, and a little to no presence of "game-passes or items." *Ibid.* While this criterion was publicized in the court below, the PPD utilizes a wide spectrum of department-specific reviewal standards when considering or reconsidering an application. Under that same analogy, the application committee concluded that its "objective [criteria] * * * led [them] to believe that [BloxWatch_CD]'s account is an alternative account…" *Ibid.* PPD got it right.

The reconsideration process did not end with BloxWatch_CD's application, however. The committee also reviewed Varkrus' application, and under the same objective criteria of all reconsiderations. On secondary review, the application committee concluded that Varkrus holds "fake badges that are commonly used to [circumvent] background checks." *Ibid.* This deceitful practice is often used by dealers and alternate accounts. But the committee did not end its inquiry with fake badges. Nor did it limit its reconsideration to Varkrus' inventory. It performed a statewide search of his username and found that he had been "flagged and [placed] on a watchlist by RCSO for dealing items." *Ibid.* These findings prompted the application committee to affirm its previous decision to deny the petitioners' applications. And while they maintained their previous decision, PPD advanced their employment process one step further; it employed its statutory authority to interpret a provision of the APA which directly concerns the rejection of applicants who are alternate accounts.

3. The PPD consulted the Ridgeway Department of Justice shortly after it wrapped up its reconsideration of the petitioners' applications. The APA requires that departments evaluate the likelihood of an alternate account under "reasonableness." 2 R. Stat. § 3235. But the APA does not define that term, nor does it set out a review process of suspected alternate accounts. The PPD thus proposed Rule 53-24 to interpret this provision, providing a comprehensive analysis of the APA's language. In the proposed *PPD Rule*, the Department first identifies its regulatory finding—that "Section 3235's 'reasonableness' standard is broad, and

therefore silent…" App. at __. The broadness of this term, PPD emphasized, heightens the likelihood that it is "subject to differing interpretations." *Ibid.* For the PPD, however, "reasonableness" is based on if a decision that is made was legitimate "and designed to remedy a certain issue under the circumstances at the time." *Ibid.* But as the *PPD Rule* simply put it, the denial of an application on "reasonableness" means that it is "more likely than not the account is an alternative." *Ibid.* While this semantic-focused interpretation gives the PPD broad discretion to deny a suspected alternate account, the *PPD Rule* is not given universal weight, and agencies may adopt exclusive, individual meanings.

B. Procedural Background.

1. BloxWatch_CD and Varkrus filed suit against the Palmer Police Department shortly after their appeal was denied. In their suit, petitioners alleged that PPD utilized unlawful employment practices by denying their application "under guise of being an alternate account." *Ibid.* They further contend that this decision conflicts with the APA because the petitioners have passed background checks before, but in other departments. See *ibid.* PPD promptly filed a response to the complaint, conceding that there was no dispute as to any material fact. Both parties subsequently moved for summary judgment, asking the administrative court to settle the case solely on the presented legal issues. *Ibid.* The administrative court awarded summary judgment to the petitioners.

In its order, the administrative court first explains the legal questions at issue—that is, whether the Administrative Procedure Act "is vague in its wording * * * [regarding] a universal framework [for suspected alternate accounts]." App. at 5a. It also considered whether agencies are entitled to individually interpret that vague provision. From the outset, the court shined light on a possible state-wide departmental conflict, considering "how [individual interpretations] [are] applied *in general*" to each agency. *Ibid.* The court emphasized, too, that an agency's individual interpretation is subject to deference only "if it is the

[sole agency] which administers the statute." *Ibid.* But the court remarkably veered off path of decades of administrative jurisprudence, providing deference to *only* the statutory language—vague or not—because the "universal * * * legislation supersedes the interpretation of [a] department." App. at __.

The administrative court went even further, holding that PPD's interpretation of Section 3235 was also not entitled to deference because previous agencies—under the same provision—checked the green box and passed the petitioners' background checks. See *ibid.* The APA's criteria, the court reasoned, is universal; no single department can adopt and expand its scope beyond what is explicitly provided in Section 3235 alone. Because of this so-called "overlap" between agencies and their interpretation of the statute, the court established a four-part test to determine, once and for all, "whether or not an account is an alternative one." App. at __. The test imposes a universal test upon agencies to use in *all* hiring rounds, requiring agencies to consider whether: (a) the account is older than 180 days; (b) the account is in any other group besides Ridgeway; (c) the account's characteristics correspond with others in a similar age range; and (d) the user has *previously* taken part in an agency background check. See *ibid.* The administrative court locked the door to agency deference and threw away the key, leaving *Chevron* toothless here.

REASONS FOR GRANTING THE PETITION

A. The APA Vests Broad Interpretive Discretion With Agencies To Clarify Its Silent Provisions.

Judicial deference to an agency's interpretation of a law is a tricky package. On one hand, it compels the judiciary to hand down its interpretive authority to the executive. On the other hand, agencies with scientific and technical expertise are able to seamlessly interpret laws that Congress tasks them to enforce. See *Encino Motorcars, LLC* v. *Navarro*, 136 S. Ct. 2117, 2125 (2016) (the fundamental premise of *Chevron*). This decades-old doctrine was established in the case of *Chevron U.S.A., Inc.* v. *Natural Resources Defense Council, Inc.*, 467

U.S. 837 (1984). *Chevron* has been a cornerstone of administrative law for decades, and for good reason.

In *Chevron*, the Court explained that an agency is entitled to deference if Congress had not "spoken directly to the precise question at issue." *Id.* at 842. That is, of course, if the traditional canons of statutory construction cannot reconcile Congress' silence with legislative intent or plain meaning. *Cf. id.* at 843. Only then does a court even consider the agency's interpretation; indeed, it must be "reasonable" before it is afforded deference. *Id.* at 845. Assuming this two-part framework is met, and assuming that Congress has authorized an agency to "issue regulations and promulgate[] [rules] interpreting a statute it enforces," the agency's interpretation receives deference. *Navarro*, *supra* at 2125. Here, the case is no different.

1. Under the Administrative Procedure Act, an agency "may promulgate additional rules, policies, or procedures which * * * extend [the] provisions to disallow employment…" 2 R. Stat. § 3208. By delegation, agencies can thus freely interpret the provisions of the APA where its purpose is silent. This authorization is express, not implicit; it is smack dab in the middle of the statute. But why? Because the Legislature "left a gap for the agenc[ies] to fill * * *" *Chevron*, 467 U.S. at 844. Generally, to administer "congressionally created programs," agencies have to formulate rules and regulations "to fill any gap left, implicitly or explicitly, by Congress." *Morton* v. *Ruiz*, 415 U.S. 199, 231 (1974). So too here. The APA requires agencies to conduct background checks over an "objective criteria" that is "static and non-subjective." 2 R. Stat. § 3233. But it does not define the scope of objectivity, nor does it lay its limits. In turn, agencies are left to fill in the lines.

The administrative court's contrary decision belies the plain language of the APA, incorrectly holding that agencies are *not* entitled to extend the APA's "objective and static" criteria. Agency interpretations, the court reasoned, cannot "supersede one another." App., *supra* at __. According to the administrative court, "there can be no objective criteria" if every agency adopts their

own, individual meanings. *Ibid.* But the language and legislative history of the APA confirm otherwise. From the beginning, agencies have been vested broad authority to make hiring decisions without judicial policing. This is precisely why Section 3208 was included in the first place—so that agencies with subject-matter expertise can promulgate rules that are best fitting for their exclusive hiring process, even if they overlap.

This issue differs from usual instances of agency interpretation. In a real-world context, the ATF may interpret a gun law; the EPA may interpret an environmental law; the FDA a pharmaceutical law. In each instance, a *single* agency is interpreting *one* law. Here, though, numerous agencies are interpreting a *single* provision regarding background checks. And just like federal agencies make decisions related to their subject-matter expertise, the process is no different here. PPD may impose lax requirements; RCSO may enforce stringent requirements; and RCFD none at all. An agency's criteria—if any at all—turns on the exclusive characteristics of that agency. A municipal office will not carry the same requirements as a state office—the two are vastly different, and a universal hiring process would impede their autonomy in making policy considerations. But the "difference in results," *ibid.*, of each agency's background checks was just enough for the administrative court to force agencies to cede their interpretive powers and adhere to a universal hiring standard that every department—no matter how different—must enforce when doing background checks.

B. The Administrative Court's Judicially Crafted Test Is Compromising To State & Municipal Agencies.

1. The consequences of the administrative court's far-reaching decision extend beyond requiring agencies to adhere to a universal standard; it is a callous intrusion of the executive branch and its individualized hiring standards. Under its analogy, the administrative court believes that an applicant who has previously passed a background check cannot fail one in another agency. But as *Chevron* put it best, "Judges are not experts in the field." *Chevron*, 467 U.S. at 865. Nor are they "part of either political branch of the Government." *Id.* And

while administrative agencies may not be "directly accountable to the people," the Court pointed out that "the Chief Executive is," and the Court considered it more appropriate for one of the "political" branches of government, rather than the judiciary, to address competing policy choices in interpreting ambiguous statutory provisions. *Id.* After all, this is almost incumbent upon judges. See *id.* at 866 ("[F]ederal judges who have no constituency have a duty to respect legitimate policy choices made by those who do.").

a. The decision below blurs the boundary between the judiciary and policy considerations of the political branches; it turns a cold-shoulder to the Legislature's grant of interpretive authority to agencies. See *City of Arlington* v. *Fed. Commc'ns Comm'n*, 569 U.S. 290, 38 (2013) ("Courts [must] defer * * * when * * * Congress has conferred on the agency interpretive authority…") (Roberts, C.J., dissenting). Despite the APA's clear-cut grant of that authority, the administrative court deviated from the *Chevron* plane, and it extended the background check criteria on its own terms. That makes this issue a make-or-break separation of powers matter. Indeed, "[t]he responsibilities for assessing the wisdom of * * * policy choices and resolving * * * competing views of the public interest are not judicial ones." *Chevron*, 467 U.S. at 866. After all, "[o]ur Constitution vests such responsibilities in the political branches." *Tennessee Valley Authority* v. *Hill*, 437 U.S. 153, 195 (1978). The administrative court's test for determining if an applicant is an alternate account is untenable. And the separation of powers is far too fundamental to "pre-empt congressional action by judicially decreeing what accords with 'common sense and the public weal.'" *Id.*

CONCLUSION

This Court should grant certiorari.

Respectfully submitted.

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APPENDIX

APPENDIX A

ADMINISTRATIVE COURT FOR THE STATE OF RIDGEWAY

Citation: BLOXWATCH_CD, et al., v. PALMER POLICE DEPARTMENT, RSC-AD-2774.	DATE OF JUDGMENT: 25th of May, Two Thousand And Twenty Four

BLOXWATCH_CD

Plaintiff

and

PALMER POLICE DEPARTMENT

Defendant

RULING AND JUSTIFICATION

IN THE MATTER OF BLOXWATCH_CD V. PALMER POLICE DEPARTMENT

I. Introduction

[1] During the employment application cycle for the Palmer Police Department, which had opened on March 31st and closed on April 7th, both plaintiffs Varkus and BloxWatch_CD applied for employment. However, they were denied on the basis of being a supposed Alternative Account.

[2] On May 1st, BloxWatch_CD, in conjunction with Varkus, lodged an Administrative Complaint against the Palmer Police Department, contending that the department had engaged in prejudicial hiring practices as established by the Administrative Procedure Act.

[3] Following this, on May 7th, Solicitor General Stickza of the Ridgeway Department of Justice would file a response to the complaint where a lot of the facts that were provided by the plaintiff went uncontested.

[4] Without contention in regards to Material Fact, the case thus became a matter of law and a Motion for Summary Judgement was filed by the defence on May 11th. A cross-motion would subsequently be filed by the plaintiffs on May 14th.

[5] Summary Judgement is granted in favor of the Plaintiff.

II. Findings of Fact

[6] BloxWatch_CD and Varkus both applied for the Palmer Police Department throughout the application cycle which started on March 31st and ended on April 7th. Both individuals are members of good standing within the State of Ridgeway.

[8] Both plaintiffs had initially passed the primary screening and the application stage, before being denied at the background check stage. This was due to the department's belief that the plaintiffs were alternative accounts.

[9] Attempts to obtain remedy were conducted by the plaintiffs, with their attorneys issuing a Cease and Desist letter to the Department on April 15th, and a letter to the Governors Review Board on April 22nd. Neither of these letters would receive a response.

[10] When no response to the request for relief issued by the plaintiffs, a civil suit would subsequently be filed on May 1st.

III. Legal Standard

[11] Rule 38(b) of the Ridgeway Civil Procedure states that the defendant is able to "at any time, move with or without supporting affidavits move for a summary judgement in his favour" as long as a "claim is asserted" against said defendant. It is further stated in

Rule 38(a) that a Summary Judgement may be rendered "on the issue of liability alone" and may be "rendered against the moving party." In addition to Rule 38 of the Ridgeway Rules of Civil Procedure, the Federal Rule of Civil Procedure 56 states that when there is "no genuine dispute of Material Fact" the "movant is entitled to judgement as a matter of law."

[12] Numerous sections of the Administrative Procedure Act are discussed within the complaints and attached Affidavits, such as:

2 R. Stat. § 3201: "A primary agency shall be any as so defined: (iii) The Palmer Police Department"

2 R. Stat. § 3202: "A secondary agency shall be any as so defined: (ii) The Ridgeway Parks Service"

2 R. Stat. § 3203: "An auxiliary agency shall be any as so defined"

2 R. Stat. § 3208: "Agencies and departments may promulgate additional rules, policies, or procedures which would otherwise extend these provisions to disallow employment in either a primary or secondary."

2 R. Stat. § 3226: "A non-competitive hiring round shall be any hiring round where the number of spots is not limited."

2 R. Stat. § 3229: "Complaints about a department violating the principles of the merit system shall be directed to the Governor, who shall in all cases, investigate and adjudicate violations of these claims. The Governor may seek a written legal opinion from the Attorney General as to the legality of the violations."

2 R. Stat. § 3233: "Background checks shall be over an objective criteria that shall remain static and non-subjective."

2 R. Stat. § 3235: "Departments shall background check applicants and new-hires on the following criteria: (i) Likelihood that the individual is an alternate account; which shall be evaluated under reasonableness."

2 R. Stat. § 3240: "A prejudicial or unfair hiring practice is a hiring practice that does not conform to what has been established by law."

2 R. Stat. § 3241: "It is a violation of law to engage in prejudicial or unfair hiring practices."

2 R. Stat. § 3301: "A person can petition the administrative courts for review of a prejudicial hiring practice. (iii) The cause of action is limited to systematic violations of statutory procedure for hiring practices. Specific situations regarding an individual shall be handled through §2.6."

2 R. Stat. § 3305: "The administrative courts shall have original jurisdiction over all civil claims involving administrative action, or policy, or rules of a government agency."

2 R. Stat. § 3307: "The administrative courts shall have the power to grant equitable remedy as necessary to ensure proper enforcement of law;"

2 R. Stat. § 3308: "The administrative court may issue declaratory relief when necessary."

2 R. Stat. § 3314: "An administrative claim is a claim of law and not a claim of fact that an action was arbitrary or without due observance of law. Administrative claims shall be heard and decided only by an administrative court judge.

[13] Throughout the affidavits attached regarding Summary Judgement, a number of common law precedents are mentioned, such as:

Marbury v. *Madison*, 1 Cranch 137, 177 (1803): "It is the province and duty of the courts to determine what the law is, not a State or Federal Agency."

Chevron U.S.A. v. *Natural Res. Def. Council*, 467 U.S. 837, 843 (1984): "A government agency must conform to any clear legislative statements when interpreting and applying a law, but courts will give the agency deference in ambiguous situations as long as its interpretation is reasonable."

Celotex Corp. v. *Catrett*, 477 U.S. 317, 331 (1986): "Summary judgement is appropriate when the court is satisfied."

Ardestani v. *Immigration and Naturalization Service*, 502 U.S. 129, 148 (1991): "An agency's interpretation of a statute is only relevant if it is the only one which administers the statute. It is inappropriate for the agency's interpretation to be continued if it applies to other agencies."

Capital Castings v. *Arizona Dep't of Economic Sec.*, 171 Ariz. 57, 60 (App. 1992): "Agency interpretation of rules do not bind the court, however they do hold value."

Robinson v. *Shell Oil Co.*, 519 U.S. 337, 341 (1997): "When forming an interpretation of a statute, it is necessary to consider the specific context in which the language was used and the context of the statute as a whole."

Johnson v. *Chavez*, 141 S. Ct. 2271, 2292 (2021): "Chevron defence cannot be applied when the statute is clear."

[13] Further provided by the defence is Palmer Police Department Regulation 53-2024, which invokes 2 R. Stat. § 3235 and its policy regarding background checks. It interprets an account

being viewed "reasonably" as an alternative account on the basis that it is "more likely than not" an alternative account.

IV. Analysis

[14] After submitting both of their briefs, the defence has submitted a motion for summary judgement, pursuant to Rule 38 of the Ridgeway Rules of Civil Procedure. Because a claim has been made against the defence, they are able to submit a motion for summary judgement. The considerations which are necessary prior to granting summary judgement are further established by both the Federal and Ridgeway Rules of Civil Procedure, with it being possible to grant it when there is "no dispute of Material Fact." This is further reinforced by precedents such as Celotex Corp. v. Catrett. In both complaints, many of the material facts which were provided within the initial complaint have gone undisputed by the defence. As a result of this, Summary Judgement is a viable option, and it is integral we now consider the legality of the interpretation.

[15] The main argument which is provided by the defence in their affidavit attached in support of summary judgement is that because the Administrative Procedure Act is vague in its wording and does not clearly establish a universal framework, it is the duty of the agencies which are bound by it to interpret it and form their own opinion on how it is applied. This interpretation of statutes which are left vague is supported by the ruling held in Chevron U. S. A. v. Natural Res. Def. Council, where it is stated that "government agencies must conform to clear legislative statements," however should a piece of legislation be left "ambiguous" the "interpretation" of the law is valid as long as it is "reasonable." When considering the argument put forward by the defence, we must consider not only the provisions of 2 R. Stat § 3233 and 2 R. Stat § 3255, but also how it is applied in general to the other departments.

[16] Throughout the main argument which was provided by the plaintiff, they argue that because of the fact that the provisions applied by 2 R. Stat § 3255 are applied universally to agencies which are defined in 2 R. Stat § 3201 & 2 R. Stat § 3202 (of which the Palmer Police Department is a part of), then the precedent Ardesanti v. Immigration and Naturalization Service would overrule it. In Ardestani, the Court held that the interpretation of the agency is able to be considered if it is the only one which administers the statute. However, because of the fact that the statute is universal for agencies of the state the actual legislation supersedes the interpretation of the department. Previously, both individuals had been members of departments which were required under 2 R. Stat § 3233 to perform Background Checks on incoming

individuals, and they had passed said background checks. The results of these background checks do not supersede those of the Palmer Police Department, nor do the Palmer Police Department's background checks supersede the ones of that department. It is because of this that the argument invoking Chevron which is made by the defence is overcome by the plaintiff's argument, due to the universality of 2 R. Stat § 3225.

[17] [17] Because of the fact that it is impossible for the interpretation of one agency to supersede another, it can be argued that there is no objective criteria which is required by 2 R. Stat § 3233. Because of the difference in results for different department's background checks, it indicates that there is not a universal system which exists in order to verify whether or not one is an alternative account. Because of this fact, it is integral that the courts establish a test to evaluate whether or not an account is an alternative one. Should an account fail more than 2 of the following questions, it can be reasonably considered an alternative account and receive a denial for their background check:

[i] Is the account older than 180 days?
[ii] Is the account in groups besides the State of Ridgeway group?
[iii] Whether or not the statistics of an account align with others of that same age range.
[iv] Whether or not the user has previously held positions that require a background check.

[18] Because of the fact that the defence violated 2 R. Stat § 3233 and engaged in prejudicial hiring practices as defined by 2 R. Stat § 3240, the Court grants the following relief:

1. Defendant, by failing to conduct background checks as prescribed by 2 R. Stat. § 3233 has acted outside the bounds of law and has violated the rights afforded to applicants by the Administrative Procedure Act.

2. Defendant is hereby ordered to begin conducting background checks in compliance with State law and to use the above written test when doing so.

V. Conclusion

Therefore, the Court hereby grants the Petitioner's Cross-Motion for Summary Judgment and denies the Defendant's Motion for Summary Judgment.

Dated in Palmer, Ridgeway, this 27th day of March, 2024.

APPENDIX B

PPD APPLICATION COMMITTEE

SECONDARY REVIEW TRANSCRIPT

BloxWatch_CD (2nd Review)

"To address the concerns, it is unlawful for the Special Investigations Unit to fail Mr. Blox's background check solely on the idea that he was at-willed from multiple departments, this is due to these being honorable discharges. Now it is extremely suspicious that all of Mr. Blox's departures from departments contain some sort of at-will but it will be ignored.

As for my concerns with the individual's account background, the account's background brings me a few concerns. After reviewing Mr. Blox's account a few flags that usually indicate an alternative account popped up. Firstly, the account has an extremely low badge count considering the accounts age, only having 6 pages of badges or around 188 badges, some of them being from Mr. Blox himself. This account has a very low amount of badges for an account from 2017. Compared to most other accounts near this age they are usually at least within the few thousands of badges if they are main accounts. The accounts also almost have no purchased game passes or items. It only has a few free items and free shirts and pants. These are the objective reasons—upon "reasonableness"—that lead me to believe that this account is an alternative account."

Varkrus (2nd Review)

"After looking through Mr. Varkus's background a second time, I hold reason to belief that he is an alternative account as suggested below. This is because the account holds fake badges that are commonly in use in BGC's. The account holds almost no paid ROBLOX items which are indicative of a ROBLOX player's main account. I also find it suspicious that most of the players' items are extremely old ROBLOX items such as old shirts, pants, hairs, and hats. Individual is also flagged and currently placed on a watchlist by RCSO for dealing items."