



**STATE OF NEW JERSEY**

In the Matter of Ramon Camilo,  
Police Officer (S9999R),  
City of Jersey City

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

CSC Docket No. 2017-1441

List Removal Appeal

**ISSUED: APRIL 6, 2018 (JET)**

Ramon Camilo, represented by Maurice W. McLaughlin, Esq., appeals the removal of his name from the Police Officer (S9999R), City of Jersey City eligible list on the basis of an unsatisfactory background report.

The appellant took the open competitive examination for Police Officer (S9999R), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified on April 1, 2016. In disposing of the certification, the appointing authority requested the removal of the appellant's name from the eligible list on the basis of an unsatisfactory background report. Specifically, the appointing authority asserted that on June 5, 2007, the appellant was arrested as a result of a warrant for Failure to Appear in court. The appellant subsequently appeared in court on August 22, 2007, and was found guilty of Failure to Exhibit Documents in violation of *N.J.S.A. 39:3-29* and fined \$186. He was also charged on May 27, 2012 in Seaside Heights with Urinating in Public, was found guilty and paid a \$500 fine. It also indicated that, based on three separate police reports alleging Harassment, Domestic Violence/Terroristic Threats, and Domestic Violence/Harassment, on September 26, 2010, a Temporary Restraining Order (TRO) was issued against the appellant.<sup>1</sup> Additionally, the appellant's driver's abstract revealed an unsatisfactory motor vehicle history, including among other things, Failure to Appear on July 20, 2007, Failure to Appear on May 21, 2007, involvement in separate motor vehicle accidents on September 3, 2013, March 23, 2007, and March 21, 2005, and suspension of his driver's license from July 20, 2007

<sup>1</sup> The appellant subsequently appeared in court and the TRO was vacated.

to August 24, 2007. The appointing authority also asserted that the appellant possesses an adverse employment history and an adverse financial history.<sup>2</sup>

On appeal to the Civil Service Commission (Commission), the appellant maintains that, based on his education, experience, and various recommendations, his name should be restored to the list. In addition, the appellant states that he has matured since the time the various incidents in his background occurred and he has learned from his mistakes. Specifically, the appellant contends that the incidents pertaining to the TRO issued against him occurred when he was only 19 years old. He adds that the TRO was dismissed and vacated by the court. Further, the appellant explains that the May 27, 2012 charges from Seaside Heights were resolved and he paid a fine. In addition, the appellant states that his driver's license privileges are currently in good standing and, since the time of the incidents listed on his motor vehicle abstract, he has not been involved with any other motor vehicle violations. The appellant adds that his driver's abstract merely reflects that he was involved with Unsafe Operation of a Motor Vehicle and Failure to Wear a Seatbelt. He explains that his driver's license was suspended because he failed to produce documentation and was unaware that he was required to appear in court due to the incident. Moreover, the appellant argues that he has shown that he can properly operate an emergency vehicle while employed as an EMT.

Additionally, the appellant asserts that his employment history dates back to when he was only 17 years old, and since that time, he has been employed as an EMT, an Electronics Technician, and as a Shuttle Driver. The appellant contends that he properly disclosed information pertaining to his employment history to the appointing authority prior to his removal from the list. He explains that he was terminated from Best Buy after he objected to his supervisor's request to perform work that was in violation of company policies. He also states that, although he was terminated from Hudson Toyota for excessive absences, he was only 21 years old at the time of the incident. The appellant adds that, although he violated JCMC's rules and policies at the time he purchased food with a patient in the rear of an ambulance while en route to a hospital, he explains that he was required to purchase food at the time of the incident as a result of pain he was experiencing as a result of gastrochisis. With respect to his financial background, the appellant maintains that he is currently in good financial standing. In this regard, he states that he currently maintains regular payments for an auto loan and credit card, contributes to household bills, and his unpaid auto loan balance is in the process of being resolved. In support, by way of certifications dated August 3, 2017, Jeans

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<sup>2</sup> The appointing authority indicated that the appellant was terminated from Best Buy and from Hudson Toyota. It also indicated that the appellant violated rules and regulations while working as an Emergency Medical Technician (EMT) for Jersey City Medical Center (JCMC). Moreover, the appointing authority indicated that the appellant's financial history revealed that he has an unpaid auto loan that resulted in a wage garnishment.

Carlos Acevedo, a Police Officer, Jersey City Police Department, and Sandy Cheng, an EMT with JCMC provide recommendations for the appellant.

Despite being provided with the opportunity, the appointing authority did not provide a response.

## CONCLUSION

*N.J.S.A.* 11A:4-11, in conjunction with *N.J.A.C.* 4A:4-4.7(a)(4), provides that an eligible's name may be removed from an employment list when an eligible has a criminal record which includes a conviction for a crime which adversely relates to the employment sought. In addition, when the eligible is a candidate for a public safety title, an arrest unsupported by a conviction may disqualify the candidate from obtaining the employment sought. *See Tharpe, v. City of Newark Police Department*, 261 *N.J. Super.* 401 (App. Div. 1992). In this regard, the Commission must look to the criteria established in *N.J.S.A.* 11A:4-11 and *N.J.A.C.* 4A:4-4.7(a)(4) to determine whether the appellant's criminal history adversely relate to the position of Police Officer. The following factors may be considered in such determination:

- a. Nature and seriousness of the crime;
- b. Circumstances under which the crime occurred;
- c. Date of the crime and age of the eligible when the crime was committed;
- d. Whether the crime was an isolated event; and
- e. Evidence of rehabilitation.

The presentation to an appointing authority of a pardon or expungement shall prohibit an appointing authority from rejecting an eligible based on such criminal conviction, except for law enforcement, firefighter or correction officer and other titles as determined by the Commission. It is noted that the Appellate Division of the Superior Court remanded the matter of a candidate's removal from a Police Officer employment list to consider whether the candidate's arrest adversely related to the employment sought based on the criteria enumerated in *N.J.S.A.* 11A:4-11. *See Tharpe v. City of Newark Police Department*, 261 *N.J. Super.* 401 (App. Div. 1992).

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment. Additionally, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle

infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. See *In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998); *In the Matter of Yolanda Colson, Correction Officer Recruit (S9999A), Department of Corrections*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003).

In this matter, it is clear that the appellant's arrests adversely relate to the employment sought. The record indicates that the appellant was arrested on a warrant for Failure to Appear in June 2007, subsequently found guilty of Failure to Exhibit Documents, and paid a fine. He was also charged and found guilty of Urinating in Public in May 2012 and paid a fine. Although the appellant states he was young at the time of the incidents and has not been charged with any other incidents since that time, such explanations are not sufficient to explain his involvement in the incidents. The appellant was an adult at the time of the incidents and it cannot be ignored that the last incident occurred only four years prior to the date his name was certified on the list. As such, not enough time has elapsed to show that he has been rehabilitated, and he was not involved in only one isolated incident. Although the appellant states that the other charges against him were resolved and the TRO was vacated, the appointing authority properly considered such information with respect to the appellant's background report pursuant to the above listed rules. The fact that the appellant paid fines as a result of the incidents does not negate that he was involved in the incidents, and the vacated TRO was not solely used as the basis for his removal from the list. Given that the appellant provides little explanation for the circumstances surrounding his arrests and his age at the time the incidents occurred, the information provided by the appellant on appeal with respect to the incidents does not outweigh the adverse information contained in his background report. Moreover, the recommendations provided by the appellant on appeal are not sufficient to show that he has been rehabilitated.

Additionally, the appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether or not he should remain eligible to be a law enforcement officer. However, the appellant's driving record indicates that his driver's license was suspended on one occasion. His driving record also indicates numerous violations of the motor vehicle laws of New Jersey. In that regard, his complete driving record is considered for this matter. The adverse information contained on the appellant's driver's abstract, including, among other things, a driver's license suspension, involvement in various traffic accidents, and failure to appear in court, cannot be ignored. Such information, especially when viewed in conjunction with his history of arrests, is sufficient to remove his name from the list.

It is recognized that municipal Police Officers hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also, In re Phillips*, 117 N.J. 567 (1990). The public expects municipal Police Officers to present a personal background that exhibits respect for the law and rules. Accordingly, for the reasons set forth above, the appointing authority has presented sufficient cause to remove the appellant's name from the eligible list for Police Officer (S9999R). However, the removal in this matter does not prevent the appellant from applying for any similar positions in the future, as the further passage of time may be sufficient to show that he has been rehabilitated.

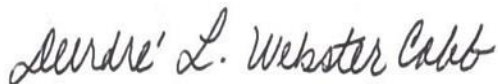
Since the appellant's name has been removed from the list based on the reasons noted above, it is unnecessary to address the information pertaining to his employment and financial history in this matter.

### 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 4<sup>th</sup> DAY OF APRIL, 2018



Deidre L. Webster Cobb  
Acting Chairperson  
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