



STATE OF NEW JERSEY

In the Matter of Quinieece Burns,
Correctional Police Officer (S9988A),
Department of Corrections

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

CSC Docket No. 2020-906

List Removal Appeal

ISSUED: FEBRUARY 14, 2020 (SLK)

Quinieece Burns appeals her removal from the eligible list for Correctional Police Officer (S9988A), Department of Corrections on the basis that she possessed an unsatisfactory driving record.

The appellant took the open competitive examination for Correctional Police Officer (S9988A), which had an January 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking her removal, the appointing authority indicated that the appellant had an unsatisfactory driving record. Specifically, the appointing authority indicated that the appellant had 15 moving violations including two convictions for being an unlicensed driver within seven years of the promulgated list.

On appeal, the appellant states that she was a victim of identify theft and that her mother used her name or was caught trying to use her name. She presents that on February 5, 2015, she added her mother's truck to her car insurance policy as her mother had issues getting car insurance for herself and the appellant needed her mother to drive her due to injuries that she had from a car accident on January 30, 2015. The appellant acknowledges a ticket that she received 13 years ago, but claims she has not received a ticket in years. Further, she submits an April 6, 2018 letter from the Camden County's Prosecutor's Office, as well as other documentation, which states that the charges from an October 12, 2016 incident were from the arrest of

another person who gave the appellant's name and her claim of identity theft was entered in a national database. Additionally, she presents paperwork that shows that on September 5, 2019, she made a request to Burlington Township for a paper trail to indicate where her mother has been using her name. Moreover, she submits a document from the Burlington Township Police Department that shows that her mother received charges related to a September 21, 2017 incident.

In response, the appointing authority presents that the appellant's certified driver's abstract indicates that she received 15 motor vehicle violations, including speeding (5/11/12), unlicensed driver (5/29/12), no license, registration or insurance identification in possession (11/23/12), speeding (11/11/13), unsafe operation of a motor vehicle (11/13/13), speeding (3/7/14), disregard of stop sign regulations (5/27/15), no license, registration or insurance identification in possession (9/17/15), unlicensed driver (11/21/15), no license, registration or insurance identification in possession (11/21/15), speeding (8/29/16), obstructing passage of other vehicle (10/12/16), delaying traffic (7/20/17), careless driving (4/10/18) and no license, registration or insurance identification in possession (3/28/19). It highlights that eight or more moving violation with seven years of the promulgated civil service list is one of its criteria for removal. The appointing authority argues that the appellant has not provided documentation or otherwise fully explained her nine-year history of receiving motor vehicle violations.¹

CONCLUSION

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 Civil Service Commission (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. The Commission has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle violations 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).

¹ It is noted that the appellant contacted this agency on December 4, 2019 indicating that she never received the appointing authority's response. Therefore, as a courtesy, this agency e-mailed her the appointing authority's response on December 5, 2019. Thereafter, the appellant contacted this agency and acknowledged receipt of the appointing authority's response on Saturday, December 14, 2019. Further, she asked when she needed to respond and was advised that she had 20 days from the receipt of the appointing authority's submission to respond. However, this agency never received a response from the appellant.

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.

Initially, although the appointing authority argues that the appellant violated its criteria for removal, the Commission notes that it was not bound by criteria utilized by the appointing authority and must decide each list removal on the basis of the record presented. *See In the Matter of Debra Dygon* (MSB, decided May 23, 2000).

In this matter, the appointing authority had a valid reason for removing the appellant's name from the list. Specifically, the appellant's certified driver's abstract indicates that there were 15 motor vehicle related violations between May 2012 and March 2019 attributed to her license. Further, other than charges from October 12, 2016, the appellant has not submitted any evidence that the violations on her abstract were not hers. Additionally, six of these incidents took place prior to February 2015 which is when she added her mother's vehicle to her insurance policy and she claims that her mother started using her name. Moreover, the last incident was on March 28, 2019, which was after law enforcement was aware of the appellant's claim of identity theft by her mother and her claim was entered into an identity theft database. It is also noted that this last incident took place after the January 31, 2019 subject examination closing date. In this regard, the appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether or not she should remain eligible to be a Correctional Police Officer. These violations evidence disregard for the motor vehicle laws and the exercise of poor judgment. The appellant has offered no substantive explanation for these infractions. It is clear that the appellant's driving record shows a pattern of disregard for the law and questionable judgment on the appellant's part. Such qualities are unacceptable for an individual seeking a position as a Correctional Police Officer, a law enforcement employee. *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). The public expects Correctional Police Officers to present a personal background that exhibits respect for the law and rules.

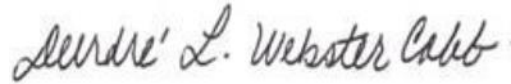
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Police Officer (S9988A), Department of Corrections eligible list.

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 12th DAY OF FEBRUARY, 2020



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Quinieece Burns
Lisa Gaffney
Kelly Glenn