



STATE OF NEW JERSEY

In the Matter of Radee Sanders,
Police Officer (S9999U),
Linden

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

CSC Docket No. 2018-2883

List Removal Appeal

ISSUED: JUNE 22, 2018 (JET)

Radee Sanders appeals the removal of his name from the Police Officer (S9999U), Linden, eligible list due to an unsatisfactory driving record.

The appellant took the open competitive examination for Police Officer (S9999U) , achieved a passing score, and was ranked on the subsequent eligible list. The appellant’s name was certified to the appointing authority on October 24, 2017 (OL171240 certification). In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis of an unsatisfactory driving record. Specifically, the appointing authority asserted that the appellant’s driving record contained several infractions including six driver’s license suspensions between 2003 and 2013, non-payment of insurance surcharge, operating a vehicle while suspended, driving without insurance, and violations of the Parking Offenses Adjudication Act.

On appeal, the appellant asserts that he is unclear as to reason why his driver’s history led to his removal from the list. The appellant states that he was not involved in any moving violations or accidents that were his fault. The appellant adds that his driver’s abstract only indicates that his driver’s license was suspended due to non-payment of insurance surcharges, which was caused by an identity theft issue. In support, the appellant provides a copy of his driver’s abstract.

Although provided with the opportunity, the appointing authority did not provide any additional arguments for the Civil Service Commission (Commission) to review in this case.

It is noted that the appellant's driving record indicates, among other things, that on February 21, 2013 he was involved in an accident; on January 24, 2013 and January 5, 2013 he was charged with parking offenses in violation of the Parking Offenses Adjudication Act; on November 3, 2012 and December 3, 2012, his driver's license was suspended due to uninsured motor vehicle; on October 4, 2012 and November 3, 2012 his registration was suspended due to uninsured motor vehicle; on October 23, 2011, July 3, 2011, November 30, 2008, November 12, 2008, and July 23, 2006 he was cited for non-payment of insurance surcharge, on December 8, 2008 he was cited with unlicensed driver and speeding.

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 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). *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 this matter, 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. The appellant's driving record indicates that his driver's license was suspended on nine occasions. 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. Furthermore, the last infraction occurred less than five years before he applied for the subject examination. The driving abstract also indicates several entries for non-payment of insurance surcharges, parking violations in violation of the Parking Offenses

Adjudication Act, and a motor vehicle accident. While some of the incidents happened several years ago, it is clear that the violations were not limited to just one isolated incident. Although the appellant claims that the issues on his driver's abstract are a result of identity theft, which have now been resolved, he has not provide any documentation to support this contention. The public expects Police Officers to present a personal background that exhibits respect for the law and rules. Such infractions show a pattern of disregard for the motor vehicle laws and rules and questionable judgment on the appellant's part. Such qualities are unacceptable for an individual seeking a law enforcement position. Therefore, it is clear from the record that the appellant's driving record reflects on the appellant's character and his suitability for the position at issue. It is noted, however, that with the further passage of time and no further infractions, the appellant's driving record would not present a sufficient basis to remove him from a list.

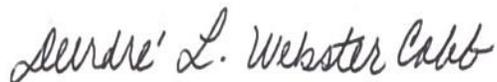
Accordingly, given the position at issue and in consideration of the totality of the evidence in the record, the appointing authority has presented a sufficient basis to remove the appellant's name from the eligible list for Police Officer (S9999U), Linden.

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 20th DAY OF JUNE, 2018



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