



STATE OF NEW JERSEY

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

In the Matter of Bryan Jones and
Christopher Sodano, Police Officer
(S9999U), Millburn

CSC Docket Nos. 2018-1636 and
2018-1748

List Removal Appeals

ISSUED: JULY 24, 2018 (CSM)

Bryan Jones and Christopher Sodano appeal the removal of their names from the eligible list for Police Officer (S9999U), Millburn. These appeals have been consolidated due to common issues presented.

In disposing of the September 5, 2017 certification, the appointing authority requested removal of the appellants' names from the eligible list, contending that they had falsified their applications and/or had an unacceptable employment history. Specifically, the appointing authority indicated that Jones indicated on his application that he had never received any motor vehicle violations in this or any other state, but his certified drivers abstract indicated nine violations. Additionally, he falsely claimed that he was never involved in a motor vehicle accident, but his abstract listed five reported accidents in which he was involved. The appointing authority also indicated that Jones had an unacceptable employment history with the New Jersey Transit Police Department as he failed to complete his probationary period due to three sustained internal investigation complaints, poor work performance, and excessive absenteeism. With respect to Sodano, the appointing authority indicated that he failed to accurately or completely answer three questions on his application. Specifically, he failed to disclose applications to three police departments, being fingerprinted by two police departments, various motor vehicle violations, and failed to disclose that he possessed a shotgun when he resided out-of-state.

On appeal, the appellants state that they are unaware of what information they falsified on their applications and requested that the appointing authority provide them this information so that they can rebut its assertions.

In response, by letters dated January 23, 2018, the appointing authority, represented by Little E. Rau, Esq., provided the appellants copies of all documents it submitted to the Civil Service Commission (Commission) when it requested the removal of their names from the subject lists. Additionally, the appointing authority explained in its response the information that the appellants failed to disclose on their applications and why it had concerns with Jones' work history. Therefore, it maintains that it appropriately requested the removal of the appellants' names from the list.

Although provided the documents relied on by the appointing authority in support of its request to remove their names from the list and given an opportunity for rebuttal, the appellants did not provide any additional information or argument for the Commission to review in this matter.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C. 4A:4-6.1(a)6*, allows the removal of an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *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 removal of 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. *N.J.A.C. 4A:4-6.1(a)7* states that an eligible may be removed from the list who has a prior employment history which relates adversely to the title. *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 the instant matter, the appointing authority properly removed the appellants' names from the subject list. Although provided the documentation by the appointing authority in support of its request to remove their names from the list and offered the opportunity to respond, the appellants have not presented any argument or information that the appointing authority's decision to remove their names from the eligible list was in error. Therefore, the appellants have not sustained their burden of proof and their appeals are denied on that basis alone.

Although the Commission has denied the appellants' appeals on the basis that they have not presented any arguments that the appointing authority's

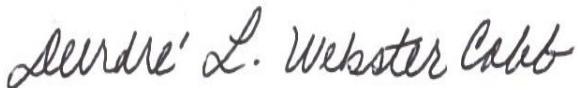
decision to remove their names from the eligible list was in error, the record clearly reflects that the appellants failed to accurately or completely answer certain questions on their applications and/or had an unacceptable employment history, which, when considering the nature of the position, warrant their removal from the subject list. In this regard, 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 Police Officers to present a personal background that exhibits respect for the law and rules. The appellants' failure to disclose this information is indicative of the appellant's lack of integrity and questionable judgment. Such qualities are unacceptable for an individual seeking a position as a Police Officer. Therefore, the appointing authority has presented a sufficient basis to remove the appellants' names from the Police Officer (S9999U), Millburn eligible list.

ORDER

Therefore, it is ordered that these appeals 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
18TH DAY OF JULY, 2018



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