



STATE OF NEW JERSEY

In the Matter of Steven DeJesus,
Police Officer (S9999U),
South Orange

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

CSC Docket No. 2019-3070

List Removal Appeal

ISSUED: May 1, 2020 (JET)

Steven DeJesus, represented by Bette R. Grayson, Esq., appeals the removal of his name from the Police Officer (S9999U), South Orange, eligible list.

The appellant took the open competitive examination for Police Officer (S9999U),¹ achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified on July 11, 2018. In disposing of the certification, the appointing authority requested the removal of the appellant's name from the eligible list on the basis of falsification of his employment application. Specifically, the appointing authority asserted that the appellant failed to disclose on his personal history statement that he received a summons on October 11, 2014 for Following Too Closely.

On appeal to the Civil Service Commission (Commission), the appellant asserts that he did not intentionally misrepresent the information with respect to the October 11, 2014 summons, as he pled guilty to that infraction and the matter was merged into the more serious infraction of Careless Driving. The appellant explains that he provided a copy of his driver's abstract to the appointing authority which reflects such information on his record, and he did not realize that he was responsible for reporting both summonses to the appointing authority. The appellant maintains that he clearly admitted that he received a summons on October 11, 2014, as a result of a moving violation.

¹ It is noted that the S9999U eligible list expired on March 30, 2019.

In response, the appointing authority, represented by H. Thomas Clarke, Esq., maintains that the appellant's name should be removed from the eligible list on the basis of falsification. Specifically, the appointing authority contends that, in response to question 53 on the employment application, "Have you ever received a traffic summons for a moving violation," he failed to list that he received a summons on October 11, 2014 for Following too Closely. Additionally, the appointing authority contends that the appellant was asked if he ever received a summons for a moving violation, and although he indicated that he received a summons on October 11, 2014 for Careless Driving, he failed to state that he also received a summons on October 11, 2014 for Following Too Closely. As such, the appointing authority maintains that the appellant falsified his personal history statement.

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 Civil Service Commission to remove an individual from an eligible 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 for the removal 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 an appointment.

In the instant matter, the appointing authority argues that the appellant did not disclose on the employment application and on his personal statement that he received a summons for Following Too Closely. It is clear that the appellant did not properly complete the employment application. It must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as Police Officer, to ensure that his employment application is a complete and accurate depiction of his history. In this regard, the Appellate Division of the New Jersey Superior Court in *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate's name based on falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. An applicant must be held accountable for the accuracy of the information submitted on an application for employment and risks omitting or forgetting any information at his or her peril. *See In the Matter of Curtis D. Brown* (MSB, decided September 5, 1991) (An honest mistake is not an allowable excuse for omitting relevant information from an application).

In this case, the appellant's omission is sufficient cause to remove his name from the eligible list. The appellant's contention that he did not believe he was

responsible for disclosing the October 11, 2014 infraction as it was merged with another infraction that was issued on the same date does not establish that he did not omit required and material information from the employment application. In this regard, in response to question 53 on the employment application, "Have you ever received a traffic summons for a moving violation," the appellant did not list the October 11, 2014 charge of Following Too Closely. Although the appellant states that he provided his driver's abstract to the appointing authority for review, it was his responsibility to accurately list such information on the employment application. The type of omission presented is clearly significant and is crucial in an appointing authority's assessment of a candidate's suitability for the position.

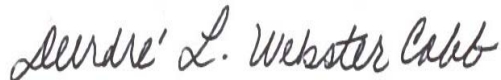
Candidates seeking a position as a Police Officer are held to a higher standard. In this regard, municipal Police Officers hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. *See Moorestown 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. Therefore, given the appellant's material omission of information on his application, there is sufficient basis to remove his name from the 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 29TH DAY OF APRIL, 2020



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Steven DeJesus
Bette R. Grayson, Esq.
H. Thomas Clarke, Esq.
Adam D. Loehner
Kelly Glenn