



STATE OF NEW JERSEY

In the Matter of Steven DeJesus,
Police Officer (S9999A),
City of Newark

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

CSC Docket No. 2022-615

List Removal Appeal

ISSUED: JANUARY 21, 2022 (JET)

Steven DeJesus, represented by Bette R. Grayson, Esq., appeals the removal of his name from the Police Officer (S9999A), City of Newark, eligible list for falsification of the employment application.

The appellant took the open competitive examination for Police Officer (S9999A), achieved a passing score, and was ranked on the subsequent eligible list. The appellant’s name was certified on October 23, 2020. 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 did not provide all of his driving infractions in response to question 52 on the employment application. Moreover, the appointing authority alleged that the appellant’s driving history contained multiple motor vehicle infractions, including Failure to Wear Seatbelt on June 1, 2018, July 19, 2016, October 19, 2016, October 10, 2015, April 27, 2011; Involved in an Auto Accident – Police Report on January 10, 2018, May 15, 2015, August 27, 2014, May 17, 2014, June 9, 2012, and on November 27, 2006; Careless Driving on October 11, 2014 and on June 9, 2012; Unlicensed Driver on January 28, 2011; Speeding on February 13, 2009 and on January 13, 2008; Disregard of Stop Sign on May 31, 2008; Maintenance of Lamps on August 11, 2007; and Unsafe Operation of a Motor Vehicle on May 20, 2007. The appointing authority also indicated that the appellant listed on the employment application that he received summonses for improper use of a cell phone at a red light and for failure to use a signal during a lane change on June 10, 2020.

On appeal, the appellant asserts that he did not falsify the employment application, and the appointing authority informed him at the time the application was submitted that the application was “fine.” The appellant contends that the appointing authority questioned him about the rejections from employment at various law enforcement agencies, and he was asked about why he would consider applying at those agencies again. The appellant states that he is now employed at the Essex County Department of Corrections, and such employment should be considered in order to restore his name to the subject eligible list.

In response, the appointing authority asserts that the appellant failed to provide documentation and information at the time he submitted the employment application. As such, it maintains the appellant’s name should be removed from the list.

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 (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. It must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as a 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).

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, the appellant's omissions from the employment application are sufficient cause to remove his name from the eligible list. The appellant's contention that he did not falsify the employment application and that the appointing authority informed him that the application was "fine," does not overcome that he failed to properly answer the questions on the employment application. In this regard, in response to question 52 on the employment application, "Have you ever received a summons for a violation of the motor vehicle laws in this or any other State," the appellant answered "Yes" and indicated that he received summonses for multiple driving infractions between January 2008 and June 2020. Nonetheless, the appointing authority stated that the appellant failed to list on the employment application that he received a summons on August 11, 2007 for Maintenance of Lamps, and on May 20, 2007 for Unsafe Operation of a Motor Vehicle. The appointing authority also indicated that the appellant failed to provide documentation at the time he submitted the employment application, including a high school transcript, motor vehicle accident reports and a notarized letter with respect to any injuries that occurred as a result of the accidents; a current resume, a residency certification from his landlord; an employment verification form from the Essex County Department of Corrections; and documentation pertaining to his bills and proof of address. The appellant does not provide any substantive evidence on appeal to overcome the appointing authority's assertions that he failed to provide the required information. The type of omissions presented are clearly significant and cannot be condoned as such information is crucial in an appointing authority's assessment of a candidate's suitability for the position. Even if there was no intent to deceive, this does not cure his omission of these items from his employment application. The information noted above, which the appellant failed to disclose, is considered material and should have been accurately indicated on his employment application.

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 Police Officer. Nonetheless, the appellant's driving record indicates his involvement in multiple motor vehicle infractions from 2007 to 2018, including multiple motor vehicle accidents, speeding, and unsafe driving. 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. In this matter, 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 municipal Police Officer. The appellant's motor vehicle history reflects that the appellant was involved in an auto accident as recently

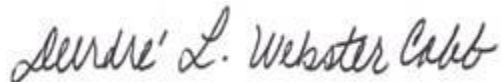
as 2018, and he acknowledged in his employment application that he was disputing two additional summonses that were issued to him in 2020. The number and extent of such infractions reflect a disregard for the motor vehicle laws and rules, which is unacceptable for a candidate applying for a law enforcement position. In this regard, the Commission notes 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, the appellant's driving history also provides a valid basis for the removal of his name from the subject 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 19TH DAY OF JANUARY, 2022



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