



STATE OF NEW JERSEY

In the Matter of Jorge Padilla,
Police Officer (S9999A), Paterson

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

CSC Docket No. 2022-2720

List Removal Appeal

ISSUED: JULY 25, 2022 (PS)

Jorge Padilla, represented by Theresa Richardson, Esq. appeals the decision to remove his name from the Police Officer (S9999A), Paterson, eligible list on the basis of an unsatisfactory driving record.

The appellant took the open competitive examination for Police Officer (S9999A), which had a January 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis that he had an unsatisfactory driving record. Specifically, the appointing authority asserted that the appellant had an extensive driving record with 24 motor vehicle related summonses which include, among other things, violations and citations for unsafe operation of a motor vehicle, obstructing passage of other vehicle, improper passing, improper display/fictitious plates, speeding and several violations of the Parking Offenses Adjudication Act. Additionally, his driving records includes numerous failures to appear violations. Further, records indicate that his license was suspended three times between 2008 and 2017. Infractions have been relatively consistent and as recent as 2019.

On appeal, the appellant explains his driving record. He asserts that he has driven City and County vehicles for the last six years and has driven Paterson’s vehicles as part of his job duties including the transport of prisoners for three years. He adds that he is a Fire Lieutenant in the Borough of Haledon and attached a letter from the Chief of the Fire Department who states that “Lieutenant Padilla is a trained and qualified driver of the Haledon Fire Department.” Further, he takes full

accountability for his actions and is now more responsible. He submits a copy of his firefighter license plate as well as the county vehicle that he currently operates every day.

In response, the appointing authority submitted the appellant's Certified Abstract of Driver History Record (Driver's Abstract) and the relevant portions of his pre-employment application. The appointing authority noted that the appellant had two license suspensions between 2008 and 2017. Additionally, it indicated that the records show the appellant has numerous failures to appear. Furthermore, it is noted that appellant had numerous violations on his driving record.

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. 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).

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 appointing authority had a valid reason for removing the appellant's name from the list. Specifically, the appellant has numerous failure to appear violations and 24 moving violations, which include but are not limited to, unsafe operation of a motor vehicle, obstructing passage of other vehicle, improper passing, improper display/fictitious plates and speeding. His driving record also shows two license suspensions based on these infractions. The appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether he should remain eligible to be a Police Officer. These violations and failures to appear in court evidence disregard for the State laws and the exercise of poor judgment. The appellant has offered no substantive explanation for his actions aside from arguing that he is now more responsible. These actions show a pattern of disregard for the law and questionable judgment on his part. Such qualities are unacceptable for an individual seeking a position as a Police Officer. In this regard, Police

Officers, like 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 expect Police Officers to present a personal background that exhibits respect for the law and rules. While it is commendable that the appellant has worked to improve his driving record, the extent and nature of his record currently provides sufficient cause for his removal from the list. Should he not have any future infractions, his driving record may not be sufficient cause for removal from future law enforcement lists.

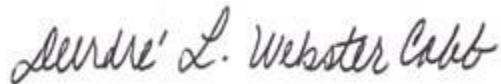
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Police Officer (S9999A), Paterson, eligible list.

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 20TH DAY OF JULY 2022



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