



STATE OF NEW JERSEY

In the Matter of Tyvaughn Bedford,
Police Officer (M0034D), East
Orange

CSC Docket No. 2024-479

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

List Removal Appeal

ISSUED: January 17, 2024 (PS)

Tyvaughn Bedford appeals the decision to remove his name from the Police Officer (M0034D), East Orange, eligible list on the basis of falsification of his application and an unsatisfactory background report.

The appellant took the open competitive examination for Police Officer (M0034D), achieved a passing score, and was ranked 11th on the subsequent eligible list. In seeking his removal from the November 22, 2022, certification (OL221387), the appointing authority indicated that the appellant falsified his application and had an unsatisfactory background, based on his criminal history and driving record. Specifically, it indicated that the appellant failed to provide addresses for parents and brothers on Page 4, Section #8. Furthermore, the appellant also failed to provide date of births for the individuals you reside with on Page 4, Section #9. Regarding the appellant’s background, the appointing authority submitted that the he had been charged with Criminal Mischief Domestic Violence on January 19, 2020, in East Orange, and had two Simple Assault charges from 2015 and 2020, in East Orange. The appointing authority also indicated the appellant had an unsatisfactory driving record. In this regard, the appellant’s Motor Vehicle Driving Abstract indicates three license suspensions between 2017 and 2018. Additionally, it listed 10 unpaid parking tickets and numerous other violations.

On appeal, the appellant states that he never intended to try to conceal or falsify his background application and states that he included all information to the best of his knowledge at the time he was filling out his background application. He presents that the information from the appointing authority was a “lie” and falsely reported.

Additionally, he indicates that he believes that the reason he was removed from the list was due to “political corruption” which the appellant finds to be unacceptable. No further details are provided.

The appointing authority, although given the opportunity did not respond.

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 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. The primary inquiry regarding the removal of a candidate’s name based on the falsification of his or her employment application 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. *See In the Matter of Nicholas D’Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003).

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. A4129-OIT1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-OOT3 (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 valid reasons for removing the appellant’s name from the list. Specifically, the appellant’ background history included criminal charges for Criminal Mischief Domestic Violence in 2020 and Simple Assault in 2015 and 2020. Moreover, the appellant failed to disclose certain information on his application. While the appellant may believe that these omissions were not intentional or material, candidates are responsible for the accuracy of their applications. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Moreover, even if there was no intent to deceive, at minimum, the appointing authority needed this information to have a complete understanding of his

background in order to properly evaluate his candidacy. *See In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). 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 appellant's failure to fully disclose material information on his application falls short of that expectation.

Additionally, the appellant has an extensive driving record. In this regard, the appointing authority provided the appellant's Motor Vehicle Driving Abstract which shows the appellant has numerous motor vehicle violations including, but not limited to, three license suspensions between 2017 and 2018, as well as 10 unpaid parking tickets. Such a record is indicative of the appellant's exercise of poor judgment and disregard for the motor vehicle laws, which are not conducive to the performance of the duties of a Police Officer.

Accordingly, as the appellant has not presented any evidence other than his base allegations, he 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 (M0034D), East Orange, 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 17TH DAY OF JANUARY, 2024



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