



**STATE OF NEW JERSEY**

In the Matter of Jonathan Ospina,  
Police Officer (M2405E), Elizabeth

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

CSC Docket No. 2025-348

List Removal Appeal

**ISSUED: April 9, 2025 (PS)**

Jonathan Ospina, represented by Stephen B. Hunter, Esq. appeals the decision to remove his name from the Police Officer (M2205E), Elizabeth, eligible list on the basis of falsification of his application.

The appellant took the open competitive examination for Police Officer (M2405E), which had an August 31, 2022, 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 failed to disclose multiple incidents in his background history. Specifically, the appointing authority asserted that when he was asked the Question, "Have you or a vehicle owned or leased by you ever been involved in a motor vehicle accident?" The appellant answered "Yes", but he only disclosed one motor vehicle accident in April 2020. However, it indicated that his certified driving abstract shows one additional accident that he failed to document that occurred on September 23, 2019. Furthermore, when asked the Question, "Have you ever received a summons for a violation of the Motor Vehicle Laws in this or other states?" The appellant answered "Yes" and listed one summons for speeding occurring on February 29, 2020, however his driving abstract did not list this summons. Moreover, it stated that his abstract listed three additional summonses he failed to document which include: no license, registration, or insurance in possession on August 20, 2022, and two failures to wear seat belt summonses occurring on November 1, 2011, and May 22, 2013.

On appeal, the appellant states on February 9, 2024, he received a letter that he was notified that he appeared on the eligibility list and he fully complied with the

requirements in that February 9, 2024, letter. After filing the required application and required paperwork with the representatives for Elizabeth he was contacted by one of his friends, Jared Pietz, and was asked to sign a petition on behalf of Mr. Pietz concerning Mr. Pietz's decision to run for Mayor of Elizabeth, and to participate in a primary election June 4, 2024. He further states that he received a copy of a letter in March 2024 signed by the present Mayor of Elizabeth, J. Christian Bollwage and it was evident that Mayor Bollwage had specific knowledge that the appellant had signed the petition on behalf of Mr. Pietz in support of Mr. Pietz's application to run for Mayor. Further, while not specifically refusing that he failed to list the incidents, he argues that he should not be removed from the list. In this regard, he notes that the infractions occurred many years ago, and presents several prior Commission decisions where it has granted list removal appeals where it alleged that an appellant falsified an application. Finally, he argues that he is currently a County Correctional Police Officer as well as a Fire Fighter. He argues that the appellant failed to disclose a motor vehicle accident that occurred on September 13, 2022, and three summonses which were uncovered via his certified driver's abstract including no license registration in possession on August 30, 2022, failure to wear seat belt on May 13, 2023, and failure to wear seat belt on November 1, 2011. Moreover, it was erroneously stated that the appellant had 12 additional summonses as listed in a September 24, 2024, letter received from the Civil Service Commission.<sup>1</sup>

The appointing authority, represented by Branka Banic, Special Counsel, states that the appellant failed to disclose a motor vehicle accident that occurred on September 13, 2019, and three summonses were uncovered via his certified driving abstract including: no license, registration or insurance in possession on August 30, 2022, failure to wear seat belt on May 22, 2013, and failure to wear seat belt on November 1, 2011.

## 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 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 his 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. It is further noted that, *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 a list for other sufficient reasons, which for law enforcement

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<sup>1</sup> It is noted that the appellant only has three additional summonses on his certified driving abstract as the 12 additional summonses were noted in error.

titles includes removal based on 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 indicated that the appellant failed to completely and accurately present his driving history. Further, it provided documentation to support its assertions. Moreover, the appellant has not substantially refuted that he did not fully and accurately complete his application. An applicant is 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. 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. Given that Police Officers hold highly visible and sensitive positions within the community, the standard for an applicant includes good character and an image of utmost confidence and trust. Therefore, even if there was no intent to deceive, his failure to fully and accurately disclose the requested information was material since, at minimum, the appointing authority needed this information to have a complete understanding of his background in order to properly evaluate his candidacy. In this regard, as indicated above, a law enforcement candidate's driving record, in and of itself, can be utilized as a reason for removal from an eligible list. *See In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). Thus, a full and accurate recitation of that record is imperative. Moreover, while the appellant makes certain claims of inappropriate actions by the appointing authority during the background investigation, these allegations are tenuous, at best, and otherwise wholly unsubstantiated. Therefore, the Commission finds that it was appropriate for the appointing authority to remove the appellant's name from the subject Police Officer eligible list based on falsification.

### 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 9<sup>TH</sup> DAY OF APRIL, 2025

*Allison Chris Myers*

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Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Stephen B. Hunter, Esq.  
Branka Banic, Esq.  
Division of Human Resource Information Services  
Records Center