



**STATE OF NEW JERSEY**

In the Matter of Gary Perez, Police  
Officer (M0319F), East Orange

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

CSC Docket No. 2026-979

List Removal Appeal

**ISSUED: July 1, 2026 (SLK)**

Gary Perez appeals the decision to remove his name from the Police Officer (M0319F), East Orange eligible list.

The appellant took the open competitive examination for Police Officer (M0319F), East Orange, which had an April 1, 2024, closing date, achieved a passing score, and was ranked on the subsequent eligible list. His name was certified (OL241460), and he was ranked 30th. In seeking his removal, the appointing authority indicated that the appellant falsified his application, among other reasons. Specifically, the appointing authority's background report indicated that the appellant failed to list a residence in Maplewood; the appellant failed to disclose charges, dates, and locations regarding arrests for his uncle and younger brother; the appellant only listed one motor vehicle accident when his certified driver's abstract listed multiple accidents; and the appellant failed to disclose a 2005 disorderly conduct arrest and a 2012 traffic warrant.

Additionally, the appointing authority noted that the appellant had been issued 28 motor vehicle moving violations, 38 parking tickets, and his driver's license has been suspended twice. Further, the appointing authority indicated that the appellant was criminally charged four times as a juvenile: was a defendant for a criminal charge as an adult; and was arrested for having an active ATS warrant in 2012. Also, a temporary restraining order was issued against him in 2016 regarding

a domestic incident. Moreover, the background report indicates other negative police contacts and two employment terminations.

On appeal, the appellant submits his police applications from 2017-2018 and 2025 to show that he has been consistent in the information that he has provided the appointing authority. He notes that his 2017 application was used in 2018 when he deferred from the Police Academy class in 2017 and was later granted a new orientation in 2018. The appellant acknowledges that he understands the concerns regarding a 2012 arrest warrant and a 2005 arrest as a juvenile for disorderly conduct. Regarding the 2005 arrest, he asserts that he does not remember being formally arrested. Rather, the appellant recalls being taken to the police station, subsequently released to his brother, and being provided with a court date which he believes resulted in the matter being dismissed. He explains that the 2005 matter related to a city ordinance violation for being in a park after hours.

Regarding the 2012 traffic warrant, the appellant states that he forgot about it due to the circumstances of its issuance. He presents that he received a ticket for parking incorrectly. However, he provides that the initial ticket seemed incorrect and required a court appearance. Thereafter, the issuing officer attempted to void the initial ticket and issued a new one with the correct parking offense. The appellant explains that he believed that paying a fine would resolve the matter. However, the initial ticket was not voided in time, which led to his failure to appeal. Subsequently, the appellant indicates that he addressed the matter by paying the warrant bail and explaining the situation to the judge, who dismissed the original ticket and applied his payment to the correct ticket. The appellant emphasizes that he was never arrested or handcuffed in either situation.

The appellant reiterates that his 2017 and 2025 applications reflect consistency regarding his knowledge of his background. He states that any differences between the two applications would be due to updated information, such as a change in address or marital status. The appellant highlights that in 2018, the appointing authority offered him a conditional offer as a Police Officer after interviewing with the Police Chief and other high-ranking officials. Therefore, the appellant presents this information to demonstrate that he previously successfully passed the background check although he acknowledges that he did not pass the psychological evaluation, which prevented him from attending the Police Academy.

Although given the opportunity, the appointing authority did not respond. However, it is noted that this agency did send the appellant a letter describing the appointing authority's background report as stated above.

## 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.

*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).

*N.J.A.C.* 4A:4-4.7(b)1 provides that upon request of the eligible or upon the eligible's appeal, the appointing authority shall provide the eligible with copies of all materials sent to the appropriate Commission representative when it disposed of the certification. If the appointing authority fails to provide the eligible with copies of materials, the request for removal may be denied. *See N.J.A.C.* 4A:4-4.7(b)2.

*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 record indicates that the appellant failed to disclose all requested information. Specifically, other than stating that the appellant's application was consistent with prior applications, including one where his background was deemed sufficient to proceed to the psychological testing phase, he has not addressed his failure to list a residence in Maplewood; his failure to disclose charges, dates, and locations regarding arrests for his uncle and younger brother; his failure to list all motor vehicle accidents, and his failure to disclose a 2005 disorderly conduct arrest and a 2012 traffic warrant. It is noted that explaining the circumstances of the 2005 arrest and the 2012 warrant does not remove his obligation to disclose this information with his initial application. Similarly, forgetting about an incident due to the circumstances surrounding the incident does not remove the appellant's obligation to initially disclose it.

Additionally, the appellant had been issued 28 motor vehicle moving violations, 38 parking tickets, and his driver's license has been suspended twice. Further, the appellant was criminally charged four times as a juvenile, a defendant for a criminal charge as an adult, and arrested for having an active ATS warrant in 2012. Also, a temporary restraining order was issued against him in 2016 regarding a domestic incident. Moreover, the background report indicates other negative police contacts and two employment terminations. In this regard, even if there was no intent to deceive, a candidate can be removed from an eligible list for omitting material information. *See In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003). Therefore, considering the appellant's complete arrest history, driving record, and employment history, along with other negative interactions with the law, the appellant's failure to disclose this information was material. At a minimum, the appointing authority needed this information to have a complete understanding of the appellant's background to properly evaluate his candidacy. Consequently, in reviewing the totality of the appellant's background, it was appropriate for the appointing authority to remove the appellant's name from the subject eligible list based on falsification. *See In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017) and *N.J.A.C. 4A:4-4.7(a)1*, in conjunction with *N.J.A.C. 4A:4-6.1(a)6*.

Furthermore, considering the high standards to be a Police Officer, *see Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966) and *In re Phillips*, 117 *N.J.* 567 (1990), the appellant's name could have been removed for having an unsatisfactory criminal, driving, and/or employment background and/or in general having an unsatisfactory background to be a Police Officer based on the totality of his background. *See N.J.A.C. 4A:4-4.7(a)1*, in conjunction with *N.J.A.C. 4A:4-6.1(a)9*. Moreover, the mere fact that the appointing authority did not previously remove the appellant's name from a prior Police Officer eligible list for falsification does not bar it from presently doing so.

Finally, regarding the appointing authority's failure to directly provide its background report to the appellant as required under *N.J.A.C. 4A:4-4.7(b)1*, such failure does not automatically indicate that the appellant's appeal should be granted as *N.J.A.C. 4A:4-4.7(b)2* only indicates that such failure *may* be grounds to deny an appointing authority's request to remove an eligible from a list. However, in this case, there is sufficient justification to remove the appellant's name from the subject eligible list as described herein and the appellant failed to meet his burden of proof. *See N.J.A.C. 4A:4-6.3(b)*, in conjunction with *N.J.A.C. 4A:4-4.7(d)*.

## 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 1<sup>ST</sup> DAY OF JULY, 2026



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