

B.14



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Ramsey Jean-Pierre,  
Police Officer (S9999R), East Orange

List Removal Appeal

CSC Docket No. 2016-2961

ISSUED: **DEC 23 2019** (HS)

Ramsey Jean-Pierre appeals the removal of his name from the eligible list for Police Officer (S9999R), East Orange on the basis of an unsatisfactory driving record.

The appellant, a non-veteran, took and passed the open competitive examination for Police Officer (S9999R), which had a closing date of September 4, 2013. The resulting eligible list promulgated on May 2, 2014 and expires on May 1, 2017.<sup>1</sup> The appellant's name was certified to the appointing authority on July 31, 2015. In disposing of the certification,<sup>2</sup> the appointing authority requested the removal of the appellant's name on the basis of an unsatisfactory driving record and submitted a copy of the appellant's driver abstract in support. The abstract indicated that the appellant's license was suspended from August 2, 2006 to March 12, 2007 and from October 18, 2008 to April 16, 2009, for violations of the Parking Offenses Adjudication Act. The appellant's registration was suspended from February 12, 2010 to March 3, 2010 and from November 6, 2010 to August 2, 2011, for parking offenses.

On appeal to the Civil Service Commission (Commission), the appellant maintains that he has a satisfactory driving record. He asserts that he has only received one moving violation, which was dismissed in court, and has never received

<sup>1</sup> The expiration date of the subject eligible list was extended one year, to May 1, 2017.

<sup>2</sup> Agency records indicate that the appointing authority returned the certification on December 28, 2015, and the disposition of the certification was recorded on February 2, 2016.

any points on his license. He states that he has never received a summons for speeding, reckless driving or driving while intoxicated. In support, the appellant submits an updated copy of his driver abstract, which indicates that a suspension of his license based on a failure to appear was scheduled on December 7, 2015 and that his license was subsequently suspended from February 5, 2016 to February 22, 2016.

In response, the appointing authority maintains that the appellant has an unsatisfactory driving record. It contends that the appellant's driver abstract also reflects violations for careless driving, unregistered vehicle, failure to use proper child restraint, driving while suspended, failure to possess registration, failure to inspect a motor vehicle, failure to possess proof of insurance, failure to maintain lamps and failure to provide notice of address changes.<sup>3</sup>

### 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 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 name from an eligible list was in error.

The controlling issue in this case is that the appellant's driving record reflects two registration suspensions and three license suspensions, primarily related to parking violations. In addition, the most recent suspension was in close proximity to the time that the appointing authority was disposing of the instant certification. As such, the appellant's record at the time of the certification revealed a persistent disregard for the motor vehicle laws, behavior that is incompatible with

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<sup>3</sup> In support, the appointing authority submits a printout from the New Jersey Automated Traffic System Ticket Inquiry for the appellant's driver's license number. However, none of the violations listed by the appointing authority appear on either the driver abstract submitted by it or the appellant. It is noted that the abstract submitted by the appointing authority states: "The record includes accidents, suspensions and convictions for moving violations."

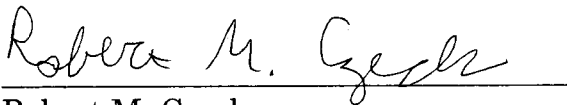
the duties of a law enforcement officer. See *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998). Such conduct is indicative of the appellant's exercise of poor judgment, which is not conducive to the performance of the duties of a municipal Police Officer. In this regard, it is recognized that a municipal Police Officer is a law enforcement employee who must enforce and promote adherence to the law. Municipal Police Officers hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and the 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 unsatisfactory driving record constitutes sufficient cause to remove his name from the eligible list for Police Officer (S9999R), East Orange.

### 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 21<sup>ST</sup> DAY OF DECEMBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Director  
Division of Appeals and Regulatory Affairs  
Written Record Appeals Unit  
Civil Service Commission  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c. Ramsey Jean-Pierre  
William Senande  
Kelly Glenn

