



STATE OF NEW JERSEY

In the Matter of Brendon Deveaux,
Correctional Police Officer (S9988A),
Department of Corrections

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

CSC Docket No. 2020-2230

List Removal Appeal

ISSUED: AUGUST 26, 2020 (PS)

Brendon Deveaux appeals the decision to remove his name from the Correctional Police Officer (S9988A), Department of Corrections, eligible list on the basis of an unsatisfactory driving record.

The appellant took the open competitive examination for Correctional Police Officer (S9988A), 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 nine points on his driving record. In addition, he has failed to appear in court five times and had 22 moving violations and seven convictions for driving as an unlicensed driver within the seven years of the promulgation of the (S9988A) eligible list.

On appeal, the appellant explains his driving record. He asserts that he was living with a friend and when his mail was being delivered it was being opened and thrown away. He adds this explanation does not change that fact that he did have tickets, but he was unaware of the letters and suspensions that were sent to his address. Further, he takes full accountability for his actions in this matter and is now more responsible. He submits a New Jersey Defensive Driving Certificate of Completion which was completed on February 24, 2020. Additionally, he submits paperwork from Westampton Township Municipal Court which shows an offense of Driving After Driver License/Registration was Suspended or Revoked was dismissed on August 16, 2018.

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 seven unlicensed driver violations with the most recent on November 17, 2019. Additionally, it indicated that the records show the appellant has failed to appear in court five times.¹ Furthermore, it noted that appellant had numerous violations on his driving record, which include but are not limited to, using a hand held device, failure to wear a seat belt, failure to obey traffic control device and operating an automobile during suspension period.

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 failed to appear in court six times between 2016 and 2019. Furthermore, the appellant has 22 moving violations, which include but are not limited to, using a hand held device, failure to wear a seat belt, failure to obey traffic control device and failure to obey traffic control device and operating an automobile during suspension period. His driving record also shows numerous 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 Correctional Police Officer. These violations and subsequent 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. Even if the Commission were to accept the appellant's explanation regarding his mail, it would not account for the fact that the appellant accrued

¹ The appellant's Driver's Abstract actually shows six failures to appear, including October 24, 2016, November 14, 2016, December 23, 2016, January 13, 2017, January 14, 2019 and March 15, 2019.

numerous moving violations in a short period of time. 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 Correctional Police Officer. In this regard, Correctional 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 expects Correctional Police Officers to present a personal background that exhibits respect for the law and rules.

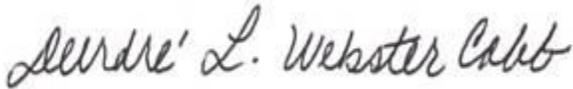
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Correctional Police Officer (S9988A), Department of Corrections, eligible list.

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 19TH DAY OF AUGUST 2020



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