



STATE OF NEW JERSEY

In the Matter of Terrence Robinson,
Police Officer (S9999U), Hillside

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

CSC Docket No. 2020-723

List Removal Appeal

ISSUED: FEBRUARY 14, 2020 (SLK)

Terrence Robinson appeals his removal from the eligible list for Police Officer (S9999U), Hillside, on the basis of falsification of his employment application.

By way of background, the appointing authority's background report indicates that the appellant falsified his application. Specifically, in response to a question on his application asking, "Have you ever received a summons for violation of the Motor Vehicle Law in this or any other state (Exclude parking violations)?" the appellant failed to disclose two improper display/fictitious plates violations (3/2/18 and 3/30/16), and a maintenance of lamps violation (10/20/16). Additionally, in response to a question asking, "Have you ever been involved in a motor vehicle accident either as a registered owner, operator, passenger or pedestrian, which resulted in any personal injury or property damage to you or anyone else?" he answered "No" when he was involved in a motor vehicle accident (11/12/03).

On appeal, the appellant presents that he has been preparing for a career in law enforcement as he possesses both an Associate's and Bachelor's degree in criminal justice and he also studied comparative criminal justice systems abroad. He asserts that he misinterpreted the questions and his failure to disclose this information was an innocent mistake. Specifically, the appellant states that in prior applications, he was only asked about moving violations and he assumed that was the case with this application, which is why he did not include the improper display/fictitious plates and maintenance of lamps violations on his application. He indicates that he did include all recent moving violations and was not attempting to

deceive the appointing authority. Concerning the 2003 car accident, he asserts that he did not disclose this accident as it involved swiping a deer, no one was injured, there was no property damage and he was able to drive his car away from the scene. He presents that based on his age, this is his last attempt to become a Police Officer, which is a career he has been pursuing since he graduated high school in 2002 and he requests a chance to interview for this career.

Although given the opportunity, the appointing authority did not respond to the appeal.

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:4-6.3(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.

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.

In the instant matter, even if the Commission were to accept the appellant's explanation as to why he did not disclose the 2003 car accident, the appointing authority had a valid reason to remove the appellant's name from the list. A review of the appellant's employment application indicates the appellant was asked, "Have you ever received a summons for violation of the Motor Vehicle Law in this or any other state (Exclude parking violations)?" Therefore, the appellant's explanation that he only provided moving violations because prior applications only requested that information is not persuasive as the question clearly requires all violations of the motor vehicle laws and not just moving violations. Further, the appellant is responsible for the accuracy of his application and any failure to include information was at his peril. See *In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Moreover, a review of the appellant's certified driver's abstract indicates that he received seven motor vehicle summonses including three maintenance of lamps violations (10/11/07, 05/15/11 and 10/20/16), an unsafe operation of a motor vehicle violation (3/15/13), two improper display/fictitious plates violations (3/30/16 and

3/2/18) and a speeding violation (6/29/17). It is noted that three of these violations occurred after the August 31, 2016 closing date. 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). Therefore, even if there was no intent to deceive, in light of the appellant's driving record, his failure to disclose these motor vehicle violations were material. At minimum, the appointing authority needed this information to have a complete understanding of his background in order to properly evaluate his candidacy.¹

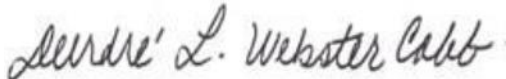
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Police Officer (S9999U), Hillside eligible list.

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 12th DAY OF FEBRUARY, 2020



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

¹ The appointing authority's background reports also expressed concern about his employment history as he has held 18 different jobs since 2004 and was terminated from employment several times (2003, twice in 2012, 2015 and 2018). Additionally, he resigned from the Police Academy in 2009 and was not recommended for employment as a Juvenile Detention Officer in 2016. Further, the background report also indicated other omissions, inaccuracies and/or failures to follow instructions on his application and commented that he wore less than professional attire (blue jeans) at orientation. However, as the appellant was not apprised of these issues and there is sufficient cause to remove the appellant's name from the list as indicated above, these issues did not factor in the Commission's decision.

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