



**STATE OF NEW JERSEY**

In the Matter of Vincent Gatta,  
Fire Fighter (M2201D), Atlantic City

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

CSC Docket No. 2024-1895

List Removal Appeal

**ISSUED:** July 3, 2024 (PS)

Vincent Gatta, represented by Louis M. Barbone, Esq. appeals the decision to remove his name from the Fire Fighter (M2201D), Atlantic City, eligible list on the basis of an unsatisfactory driving record.

The appellant took the open competitive examination for Fire Fighter (M2201D), 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 had an unsatisfactory driving record. Specifically, the appointing authority asserted that the appellant’s driving record reflected 38 violations which include, are but not limited to: unlicensed driver, failure to wear seat belt, speeding, maintenance of lamps, disregard of stop sign regulations, and numerous summonses for failure to observe traffic control device. Additionally, the appellant’s record shows he violated the Parking Adjudication Act and had one Motor Vehicle license suspension. In addition, he was found guilty of Urinating in Public in 2015.

On appeal, the appellant explains his driving record. He asserts that his driving record, and more specifically “38 motor vehicle violations is erroneous” and as a result of the appellant’s demand on the appointing authority to produce the underlying data upon which his rejection was based, he received a copy or a certified Motor Vehicle abstract which demonstrates a true total of 11 motor vehicle violations from December 14, 2010, through January 9, 2023. He adds that in modern day he has been a successful participant in his insurance company’s safe driving program

and after his vehicle was equipped with a safety monitoring device, tracking his speed and operation of his vehicle for more than a year, he earned the Progressive Snapshot award for his “safe driving habits”. Further, he argues that the appointing authority should not be able to rely on a remote incident which resulted in a municipal ordinance violation to remove him from the list. Finally, he contends that he has matured in the intervening years.

In response, the appointing authority, represented by Steven Glickman, Esq., 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 numerous violations within the past 13 years, including disregarding a stop sign and failure to observe a traffic control device in 2011, speeding (exceeding 25-29 mph) in 2012, driving after driver’s license/registration was suspended or revoked in 2013, disregarding stop sign regulation or yield sign and failure to observe traffic control device in 2014 and failure to observe traffic control device in 2014 and failure to observe traffic control device and speeding (exceeding by 20-24 mph) in 2016. More recently his driving violations, include driving or parking an unregistered vehicle in 2020 and driving with an expired license in 2023. Furthermore, it is noted that in addition to his voluminous driving violations, in January 2015 he was found guilty of urinating in public. The city submits that urinating in public would be cause for termination if the appellant was a Fire Fighter.

## 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 public safety titles based on their driving records if such a record demonstrates a sufficiently unsatisfactory background.

*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 has numerous violations including an infraction that occurred after the closing date. In addition, he was previously found guilty of Urinating in Public. 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 Fire Fighter. These violations and subsequent arrest for

urinating in public show disregard for the State laws and more importantly the exercise of poor judgment. The appellant has offered explanations for these incidences and claims to have turned his life around and states he is now a better, more mature, man. Even if the Commission were to accept the appellant's explanations regarding his violations, it would not account for the fact that the appellant accrued numerous violations in a short period of time. Even more concerning is his infraction for Urinating in Public. 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 Fire Fighter. In this regard, Fire Fighters, 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 Fire Fighters 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 Fire Fighter (M2201D), Atlantic City, 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 3<sup>RD</sup> DAY OF JULY, 2024




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