

**STATE OF NEW JERSEY  
MOTOR VEHICLE COMMISSION  
CASE FILE NUMBER: AXXXX XXXXX 01632  
OAL DOCKET NUMBER: MVH 14928-18**

**IN THE MATTER OF** :  
**MASOOD AHMADI** : **FINAL DECISION**

The Motor Vehicle Commission (MVC or Commission) hereby determines the matter of the proposed indefinite suspension of the passenger endorsement of the New Jersey Commercial Driver License (CDL) of **MASOOD AHMADI**, respondent, for his conviction of a crime indicative of bad moral character, pursuant to N.J.A.C. 13:21-14.5(c)12i(4).

Prior to this final agency determination, I have reviewed and considered the Initial Decision of the Administrative Law Judge (ALJ). Letters of exceptions to the Initial Decision have not been filed with the Commission by either party. Based upon a de novo review of the record presented, I shall accept and adopt the findings contained in the Initial Decision and shall affirm the recommendation of the ALJ; however, I write this Final Decision to make clear that the rationale stated by the ALJ based on a finding of no bad moral conduct is specifically rejected.

In the Initial Decision, the ALJ concluded that the Commission failed to meet its burden of proof with regard to the Commission's charge that respondent's criminal conviction amounted to an indication of bad moral character. Initial Decision at 6. According to the Complaint filed against respondent, respondent "knowingly conspired with another person, or persons to manipulate the New Jersey Motor Vehicle System by

manually entering passing exam scores for customers in the New Jersey Comprehensive System without customers being present to take the exam,” for CDL approval. Id., Exhibit P-2. Respondent was convicted of accomplice liability in tampering with public records, in violation of N.J.S.A. 2C:28-7.

A person commits an offense if he:

- (1) Knowingly makes a false entry in, or false alteration of, any record, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government;
- (2) Makes, presents, offers for filing, or uses any record, document or thing knowing it to be false, and with purpose that it be taken as a genuine part of information or records referred to in paragraph (1); or
- (3) Purposely and unlawfully destroys, conceals, removes, mutilates, or otherwise impairs the verity or availability of any such record, document or thing.

[N.J.S.A. 2C:28-7(a) (emphasis added).]

Respondent pled guilty to criminal action that required him to have knowing intent and to have acted purposely in the commission of a fraudulent act. The plain definition of moral character “pertain[s] or relat[es] to the conscience or moral sense or to the general principles of right conduct.” Black’s Law Dictionary 1160 (Rev. 4<sup>th</sup> ed. 1968). Moral means “of or relating to principles of right and wrong in behavior.” Webster’s New Collegiate Dictionary 742 (8<sup>th</sup> ed. 1980). The ALJ was incorrect in finding that the Commission bore the burden to prove motive, given the respondent’s admission in a guilty plea of a crime that, on its face, is indicative of a person who is not of good character. Moreover, the MVC does not need to prove the elements of the specific crime because respondent was convicted by his guilty plea. The MVC met its burden by producing

competent evidence of the guilty plea and conviction. I contend that this is sufficient to maintain respondent's behavior is indicative of bad moral character, or at least a lack of good character as required by N.J.A.C. 13:21-14.5(a).

Secondly, the Rehabilitated Convicted Offenders Act (RCOA), N.J.S.A. 2A:168A-1 to -16, was not considered by the ALJ in the Initial Decision.

The RCOA provides that,

[n]otwithstanding the contrary provisions of any law or rule or regulation issued pursuant to law, no State, county or municipal department, board, officer or agency, hereinafter referred to as "licensing authority" authorized to pass upon the qualifications of any applicant for a license or certificate of authority or qualification to engage in the practice of a profession or business or for admission to an examination to qualify for such a license or certificate may disqualify or discriminate against an applicant for a license or certificate or an application for admission to a qualifying examination on the grounds that the applicant has been convicted of a crime, or adjudged a disorderly person, except that a licensing authority may disqualify or discriminate against an applicant for a license or certificate if N.J.S. 2C:51-2 or any disqualifying criminal activity set forth in subsection a. of section 7 of P.L.2009, c.53 (C.17:11C-57) is applicable, or if a conviction for a crime relates adversely to the occupation, trade, vocation, profession or business for which the license or certificate is sought. In determining that a conviction for a crime relates adversely to the occupation, trade, vocation, profession or business, the licensing authority shall explain in writing how the following factors, or any other factors, relate to the license or certificate sought:

- a. The nature and duties of the occupation, trade, vocation, profession or business, a license or certificate for which the person is applying;
- b. Nature and seriousness of the crime;
- c. Circumstances under which the crime occurred;
- d. Date of the crime;

- e. Age of the person when the crime was committed;
- f. Whether the crime was an isolated or repeated incident;
- g. Social conditions which may have contributed to the crime;
- h. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision.

[N.J.S.A. 2A:168A-2.]

Pursuant to N.J.S.A. 2A:168A-2, the factors are used to guide a licensing authority in determining whether a conviction relates adversely to the occupation for which the license or certificate (in this case, a passenger endorsement on a CDL) is subject. In the Initial Decision, the ALJ did not explicitly discuss the analysis of this case with regard to rehabilitation under the RCOA, although the ALJ implied that sufficient rehabilitation was demonstrated based on numerous letters of support from family members and associates. Initial Decision at 6. The ALJ also considered the mitigating factors considered by the trial court in sentencing in the underlying criminal action. Id. at 6 – 7.

However, despite the ALJ incorrectly concluding that the Commission failed to bring sufficient evidence that respondent's criminal activity amounted to bad moral character, or lack of good character, based on the ALJ's assessment of respondent's testimony and presentation regarding relation of the crime to the license sought, and rehabilitation waiver, in this particular case, I will accept the recommendation of the ALJ that the passenger endorsement not be suspended.

Accordingly, I hereby determine that: (a) respondent pled guilty and was thereby

convicted of accomplice liability in knowingly tampering with public records; (b) respondent's behavior was not indicative of good character; and (c) respondent produced a minimum of evidence indicating that he was rehabilitated.

Based on an independent review of the record and evaluation of these factors, I concur with the ALJ's recommendation that the proposed suspension of respondent's passenger endorsement on his CDL be dismissed.

It is, therefore, on this 17th day of April, 2019, **ORDERED** that the proposed suspension of the New Jersey passenger endorsement on the CDL of **MASOOD AHMADI** be dismissed.

A handwritten signature in black ink, appearing to read "BSF", is centered on the page.

B. Sue Fulton  
Chair and Chief Administrator

BSF: rdd

cc: Manuel B. Sameiro, Jr., Esq.  
Cassandra E. Berry, Esq.