

**STATE OF NEW JERSEY
MOTOR VEHICLE COMMISSION
CASE FILE NUMBER: GXXXX XXXXX 05792¹
OAL DOCKET NUMBER: M.V.H. 01759-22**

NEW JERSEY MOTOR VEHICLE :
COMMISSION :
v. : **FINAL DECISION / ORDER**
ABRAHAM GERMAN-RAMOS :

The Motor Vehicle Commission (“Commission”) hereby determines the matter of the proposed administrative suspension of the New Jersey driving privilege of **ABRAHAM GERMAN-RAMOS**, respondent, on the charge of making an intentional misstatement of material fact on an application for a driver’s license/driving permit in violation of N.J.S.A. 39:3-37. Pursuant to N.J.S.A. 39:3-37 and 39:5-30, the Commission proposed a suspension of respondent’s New Jersey driving privilege for a period of seven hundred thirty (730) days.

Prior to issuing this final agency determination, I reviewed and considered the Initial Decision of the Administrative Law Judge (ALJ) and the submission by respondent (acting pro se) as “Exceptions” to the Initial Decision, as well as the reply to exceptions, which was filed by counsel for the MVC. Based upon a de novo review of the record presented, I shall accept and adopt in full the factual findings and legal conclusions contained in the Initial Decision and shall incorporate them by reference in this Final Decision. Also based on a de novo review of the totality of the circumstances and

¹ This is the corrected Agency Case File Number; the insertion in the Initial Decision is incomplete as it does not reflect this respondent’s redacted driver license number format.

administrative record, I concur with the ALJ's recommended sanction of a 730-day (2-year) suspension period as provided for in the authorizing New Jersey statute, N.J.S.A. 39:3-37.

In the Initial Decision, the ALJ concluded, after a thorough and careful examination of the evidence and a comprehensive analysis of the applicable legal principles, that the Commission met its burden of proof with regard to the charge of respondent's making an intentional misstatement of material fact on his driver's permit application submitted on October 26, 2015. The ALJ specifically concluded that the Commission "has proven by the preponderance of the credible evidence that respondent German-Ramos submitted false identification documents and procured a driving permit under a false name at a time (2015) when his real driving privileges were suspended as a result of multiple MVC and court actions." Initial Decision at 5-6.

In consideration of the "clear and undisputed" facts set forth in the record, the ALJ ultimately concluded that "respondent deserves and must serve the longer period of suspension set forth in the law." The ALJ very aptly noted that "[i]n addition to this very serious and largely successful attempt to skirt the law and obtain a document that he could use as needed rather than serve the suspension ordered by the legal authorities, his driving abstract draws a picture of a person who has routinely ignored the strictures that apply to every other driver in the State of New Jersey" and that "[t]his time around, the suspension, must stick." Initial Decision at 6. Thus, the ALJ recommended a suspension of his driving privileges for this proven violation of N.J.S.A. 39:3-37 for "a period of seven hundred and thirty (730) days." Ibid.

The respondent German-Ramos, acting pro se², submitted to the Commission a large number of various documents after issuance of the Initial Decision, including numerous of his medical records and records pertaining to the ethics matters, both current and past, pertaining to his former attorney, as well as messages to and from his attorney, all of which documents were not part of the administrative hearing record. Thus, it is agreed, as pointed out by the Deputy Attorney General representing NJMVC in this matter, that respondent's submissions do not qualify as "Exceptions" and cannot be considered for purposes of this Final Agency Decision pursuant to the governing regulations, N.J.A.C. 1:1-18.4(b) and (c).

Additionally, it is noted that the respondent's characterization of this material as "new discovery" in asking for "reconsideration" of the decision is found to be without merit. His assertions, which amount to an attempt to make an "ineffective assistance of counsel" argument, are not applicable in this matter since it is not a criminal proceeding. Indisputably, the ALJ also provided the respondent with all measure of due process by specifically affording the respondent the chance to re-open the matter after having found out that his attorney became suspended after the post-hearing submission date. The ALJ clearly and pointedly offered to have the respondent provide testimony along with documentation under oath in a proceeding for which there would be cross-examination; which offer the respondent chose not to take. His attempts now to have

² Noting that respondent's attorney became suspended from the practice of law after the post-hearing "closing" submission date set by the ALJ.

such submissions considered run afoul of the regulations governing the administrative hearing and final decision process.

Moreover, even were these submissions to be considered, they offer nothing to dispute that he committed the violation of the N.J.S.A. 39:3-37 statute, nor do they offer anything to diminish the seriousness of the nature of the falsification that respondent undisputedly and intentionally committed. By obtaining the driver's permit with the false credentials he submitted, this driver was able to obtain the means to allow him to avoid serving the statutorily-mandated court suspension term for a repeat Driving While Intoxicated (DWI) offense; notably his third such conviction (treated as a second for court sentencing due to the "step-down" provision); N.J.S.A. 39:4-50. New Jersey case law makes clear the seriousness of such DWI matters, noting that "the drunk driver remains 'one of the chief instrumentalities of human catastrophe'." See, State v. Mulcahy, 107 N.J. 467, 479 (1987) (quoting State v. Grant, 196 N.J. Super. 470, 476 (App. Div. 1984). His attempts to assert that he did not use the fraudulently obtained permit do not take away that he committed the falsification which gave him the means to evade the repeat DWI sentence, in addition to the other indefinite court and MVC suspensions that his actions also caused. To not sanction this driver in relation to the seriousness of this type of falsification under the totality of his driver record would not be in keeping with the Legislature's provision for a two-year license suspension when there is evidence of this type of egregious N.J.S.A. 39:3-37 violation. In balancing his asserted need for his license against the public interest, it is the Commission's judgment that the totality of these circumstances and this record warrants the two-year (730-day) suspension term.

ORDER

Accordingly, I hereby determine that respondent made an intentional misstatement of material fact on an application for a driver's permit in violation of N.J.S.A. 39:3-37. Based on an independent review of the record and evaluation of the aggravating and mitigating factors within the statutory guidelines, I shall impose a suspension of respondent's driving privileges for a period of seven hundred and thirty (730) days.

It is, therefore, on this 22nd day of January, 2024, **ORDERED** that the New Jersey driving privilege of **ABRAHAM GERMAN-RAMOS** be suspended for a period of seven hundred and thirty (730) days.

NOTE: The **effective date** of this suspension is set forth in the enclosed "Order of Suspension."

A handwritten signature in black ink, appearing to read "Latrecia Littles-Floyd".

Latrecia Littles-Floyd

Acting Chair and Chief Administrator

LLF/kw

Enclosure: copy of Order of Suspension (suspension effective 2/11/2024)* - also previously mailed separately on 1/22/24)