

BY *OLRA* **State of New Jersey** Date *1-14-19*
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT NO MVH 11433-18

AGENCY DKT NO PXXXX XXXXX 12892

**NEW JERSEY MOTOR
VEHICLE COMMISSION,**

Petitioner,

v

ANDREAS J. PETROU,

Respondent

Courtney Davison, Driver Improvement Analyst 3, for petitioner pursuant to N J A C

11-5.4(a)(4)

Andreas J. Petrou, respondent, pro se

Record Closed October 19, 2018

Decided November 30, 2018

BEFORE **JUDITH LIEBERMAN, ALJ**

STATEMENT OF THE CASE

Andreas J Petrou (respondent) appeals from the decision of the petitioner, Motor Vehicle Commission (Commission), to suspend his license for 150 days, for having committed two violations during a one-year probationary period

PROCEDURAL HISTORY

The Commission issued Notices of Scheduled Suspension on April 27, 2018, and May 17, 2018. The respondent submitted a timely request for a hearing on the suspensions. The Commission transmitted this matter to the Office of Administrative Law (OAL), where it was filed on August 8, 2018, as a contested case. N.J.S.A. 52:14B-1 to -15, N.J.S.A. 52:14F-1 to -13. The hearing was conducted October 19, 2018, and the record closed that day.

FACTUAL DISCUSSION AND FINDINGS

The following is not disputed and I, therefore, **FIND** the following **FACTS**:

On May 5, 2017, the Commission notified the respondent that he was subject to a one-year probationary period (P-2). It advised him that, commencing May 4, 2017, if he committed any violation during the one-year period, his driving privilege may be suspended. Ibid. The length of any suspension would be determined based upon when the violation occurred and whether it was a first, second, or additional offense. Ibid.

The respondent was cited for two violations during the probationary period. On January 2, 2018, he received a citation for unsafe operation, for which he was assessed four points (P-1). On April 11, 2018, he received a citation for using a hand-held cell phone while driving. Ibid. The first infraction occurred within eight months of the start of his one-year probationary period, the second infraction occurred approximately eleven months after the start of the probationary period. The Commission, therefore, proposed suspensions of sixty days and ninety days, pursuant to N.J.S.A. 39:5-30, N.J.S.A. 39:5-30.10, and N.J.A.C. 13:19-10.6 (P-3, 4). On April 19, 2017, the respondent was credited two points because he completed a defensive driving program (P-1).

The other infractions listed on the respondent's certified driver's abstract include unsafe operation of motor vehicle in 2008, involvement in an accident in 2008 and 2009, failure to wear a seatbelt and involvement in an accident in 2010, speeding in 2012, speeding, unsafe operation of a motor vehicle, involvement in an accident, and careless

driving in 2013, speeding twice and failure to wear a seatbelt in 2014, failure to wear a seatbelt, improper passing, careless driving, and obstructing passage of another vehicle twice in 2015, failure to obey directional signal and careless driving in 2016, and improper display/fictitious plates in 2017 (P-1). In 2018, the respondent committed the two infractions referenced above and, on May 18, 2018, committed the infraction of improper display/fictitious plates. No other infractions are listed on his certified driver's abstract (P-1).

The last infraction for which points were assessed occurred on April 11, 2018. Prior to then, the most recent infractions for which points were assessed occurred on September 5, 2015, and September 5, 2016 (P-1). On March 12, 2017, the respondent received a two-point credit for having completed a defensive driving program ibid. On July 1, 2013, he received a two-point annual safe driving credit ibid.

Testimony

The respondent acknowledged that his driving record was poor but noted that most of his infractions occurred more than two years ago. From eighteen, he lived alone and had no responsibilities. He admitted that his focus then was on partying with friends and that he had a "heavy foot" and "speeding problem." He recognized that he should have been aware of the one-year probationary period and accepted responsibility for committing violations during that time. He sought a reduced period of suspension and, in support of this, explained his current circumstances and his efforts to improve.

Over the last two years, the respondent realized he was not using his skills and endeavored to "turn his life around." He focused his energy and time on his education, profession, volunteerism, and worked to reform his driving habits. He currently lives on his own, and is responsible for his rent, college tuition and financial aid.

The respondent recently transferred from Brookdale Community College, where he was on the Dean's List, to New Jersey City University, where he has also excelled¹ (R-1)

¹ The respondent provided a glowing letter of recommendation from a Brookdale Community College Professor of Management (R-7)

The campus is in Wall, New Jersey, which requires the petitioner to travel by car from his home in Manalapan, New Jersey, two evenings each week for his classes. He takes additional classes on-line (R-2). He was recently inducted into the University's chapter of The National Society of Leadership and Success (R-3). He was recently elected President of the University's Investment Management Club (R-4). In conjunction with these activities, he was invited to interview with Goldman Sachs on October 22, 2018 (R-5).

Since July 7, 2018, he has volunteered at CentraState Hospital in Freehold, New Jersey, each Saturday from 4:30 to 8:00 p.m. (R-6). He works at the information desk and provides patient transportation services. He drives fifteen minutes from home to the hospital. In addition, the respondent is employed as a loan officer in Staten Island. He works three days per week. He could perform his loan officer duties remotely if he were unable to drive to the office. He is also employed as a driver for Boars Head. He drives from 4:00 a.m. to 12:00 p.m., three days per week.

In addition to these obligations, he helps his family by driving his sisters, ages nine and twelve, to school and elsewhere. His mother was divorced less than two years ago and has since lost her ability to drive due to a conviction for driving while intoxicated. His former step-father has helped somewhat, but the respondent has shouldered much of the burden. He acknowledged that his mother could ask others to help, but he is helping her to "save face."

Additional Factual Findings

It is the obligation of the fact finder to weigh the credibility of the witnesses before making a decision. Credibility is the value that a fact finder gives to a witness' testimony. Credibility is best described as that quality of testimony or evidence that makes it worthy of belief. "Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observations of mankind can approve as probable in the circumstances." In re Estate of Perrone, 5 N.J. 514, 522 (1950). To assess credibility, the fact finder should consider the witness' interest in the outcome, motive, or bias. A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or

with common experience, or because it is overborne by other testimony. Congleton v Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958)

As the fact finder, I had the ability to observe the demeanor, tone, and physical actions of the respondent during the hearing. He testified earnestly, and his manner and presentation demonstrated that he was sincere and remorseful. He was remorseful about his past failure to be responsible and his carelessness while driving. He was contrite and recognized that his behavior requires imposition of an administrative penalty.

Accordingly, I **FIND** the respondent demonstrated that he has devoted himself to becoming a responsible member of his community, a dedicated and hard-working student, a helpful family member, and a financially self-sufficient young man. I **FIND** he has earned the trust and respect of his University leaders and it appears that he will continue to be successful in the future. I further **FIND** that his past and his current efforts to improve his life and driving skills are commendable and that he demonstrated his need to drive to satisfy his school, work, volunteer, and family obligations.

LEGAL ANALYSIS AND CONCLUSIONS

N.J.A.C. 13-19-10.6 provides

(a) Persons whose licenses are restored after a suspension imposed under N.J.A.C. 13-19-10.2 or after a suspension imposed under this section, persons who are officially warned after an administrative hearing, and persons who successfully complete a Commission Driver Improvement Program or Probationary Driver Program may retain their licenses upon the express condition and understanding that any subsequent violation of the Motor Vehicle and Traffic Law of the State of New Jersey committed within one year of the restoration, official warning, or warning following successful completion of a Driver Improvement or Probationary Driver Program shall, except for good cause, result in suspension of driving privileges for the following periods:

1. When the subsequent violation occurs within six months of the date of the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program--90 days,

2. When the subsequent violation occurs more than six months but less than nine months after the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program--60 days,

3. When the subsequent violation occurs more than nine months but less than one year after the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program--45 days

(b) A second violation of the Motor Vehicle Laws committed within one year of the restoration, official warning or warning following successful completion of a Driver Improvement or Probationary Driver Program shall, except for good cause, result in suspension of driving privileges for the following periods

1. When the second violation occurs within six months of the date of the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program--180 days

2. When the second violation occurs more than six months but less than nine months after the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program--120 days

3. When the second violation occurs more than nine months but less than one year after the restoration, official warning or warning following completion of a Driver Improvement or Probationary Driver Program--90 days

(c) Persons licensed on a probationary basis in accordance with N.J.S.A. 39-3-10b who have been subject to a license suspension action under (a) or (b) above may be required to successfully complete additional programs of driver rehabilitation within the discretion of the Chief Administrator.

The respondent acknowledged receipt of the warning notice advising of the probation period. His first infraction occurred approximately eight months after the start of his one-year probation period and the second infraction occurred approximately eleven months after the start of the probationary period. Generally, the schedule of suggested suspensions should be followed in the interest of uniformity, unless an individual licensee is able to demonstrate extraordinary circumstances justifying a reduction or waiver.

Administrative suspensions are remedial in nature, designed to promote public safety rather than to punish wrongdoers. Atkinson v Parsekian, 37 N J 143, 155 (1962). It is the Commission's function to impose suspensions for the purposes of reforming the particular motorist, and not for the purpose of frightening or deterring others, even though that may be an incidental result. Cresse v Parsekian, 81 N J Super 536, 549 (App Div 1963); aff'd, 43 N J 326 (1964).

Respondent has the burden of proving "good cause" for a special exception to the usual suspension imposed in similar cases. Good cause is a flexible concept that appears in many statutes and rules. Our courts have held "[t]he essence of the phrase is its ability to afford relief in exceptional situations." Hovland v Dir, Div of Taxation, 204 N J Super 595, 600 (App Div 1985). It is impossible to construct a "definitive catalogue" of all circumstances to be considered in determining the existence of good cause, and "[e]ach case must be decided upon its own facts." Ullmann v Hartford Fire Ins Co, 87 N J Super 409, 414 (App Div 1965). Factors which may be relevant in determining the appropriateness of any suspension include the individual's past driving record, length of time licensed, receipt of prior warnings or prior attendance at driver improvement school, attitude and maturity level, evidence of recent improvement, need for a license, and other aggravation or mitigating circumstances. N J A C 13-19-10-2(b), Cresse, 81 N J Super at 549. Need alone cannot be the deciding factor, virtually everyone needs a driver's license to earn a living and perform normal daily activities. See Div of Motor Vehicles v Morton, 4 N J A R 95 (Div of Motor Vehicles 1982).

Factors that may be relevant in determining the appropriateness of a suspension include the individual's past driving record, length of time licensed, receipt of proper warnings or prior attendance at driver improvement school, attitude and maturity level, evidence of recent improvement, need for a license and other aggravating or mitigating circumstances. N J A C 13-19-10-2(b), Cresse, 81 N J Super at 549. When the proposed suspension is not more than thirty days, consideration shall be given to the number of assessed points, period of time during which the points were accumulated, and any point reduction credits that were earned. N J S A 39-5-30-8. Need alone cannot be the deciding factor, since virtually everyone needs a driver's license to earn a living

and perform normal daily activities. Div of Motor Vehicles v. Morton, 4 N J A R '95 (Dir of Motor Vehicles 1982)

The respondent's driving history is indeed poor. However, consistent with his testimony, it has improved to some degree in recent years. The majority of his points were accrued by June 30, 2015. In addition, he demonstrated many ways in which he has succeeded and contributed in recent years. He has become a successful student and a leader at his University. He works two jobs, one of which requires car travel, and he drives to the local hospital to serve as a volunteer. He also drives his young sisters to school and elsewhere, as his mother lost her license. He demonstrated, through his testimony and supporting documentation, that he has committed himself to being a positive, responsible, and contributing member of society.

Having considered respondent's personal situation, I **CONCLUDE** that based on the foregoing, the respondent has met his burden of proving "good cause" for a special exception to the usual suspension imposed in similar cases. Based upon the totality of the circumstances, including respondent's driving record and his effort and progress toward improvement, I **CONCLUDE** that the appropriate remedial sanction, which will satisfy the competing interests of respondent and the public, is a thirty-day suspension of respondent's driving privileges.

ORDER

Based on the foregoing, I **ORDER** that the Commission's action suspending respondent's New Jersey Driver's License for 150 days is **MODIFIED** to a period of thirty days. The effective date of this suspension shall be set forth in an Order of Suspension that petitioner shall send to respondent under separate cover.

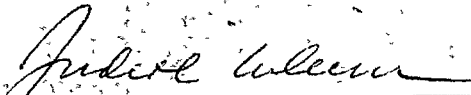
I hereby **FILE** my initial decision with the **CHIEF ADMINISTRATOR OF THE MOTOR VEHICLE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CHIEF ADMINISTRATOR OF THE MOTOR VEHICLE COMMISSION**, who by law is authorized

to make a final decision in this matter. If the Chief Administrator of the Motor Vehicle Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N J S A 52 14B-10

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **CHIEF ADMINISTRATOR OF THE MOTOR VEHICLE COMMISSION, 225 East State Street, PO Box 160, Trenton, New Jersey 08666-0160**, marked "Attention Exceptions" A copy of any exceptions must be sent to the judge and to the other parties

November 30, 2018
DATE


JUDITH LIEBERMAN, ALJ

Date Received at Agency

11/30/18

Date Mailed to Parties

12-3-18

JL/vj

APPENDIX

WITNESSES

For petitioner:

Courtney Davison

For respondent:

Andreas J Petrou

EXHIBITS

For petitioner:

P-1 Abstract of Driver History Record

P-2 May 5, 2017, Restoration Notice

P-3 April 29, 2018, Scheduled Suspension Notice

P-4 May 18, 2018, Scheduled Suspension Notice

For respondent:

R-1 July 18, 2018, from Brookdale Registrar

R-2 Respondent's class schedule, Fall 2018

R-3 Materials concerning membership in National Society of Leadership and Success

R-4 September 27, 2018, email concerning Investment Club

R-5 October 17, 2018, email concerning Goldman Sachs interview

R-6 July 25, 2018, email concerning volunteer service

R-7 September 27, 2018, letter from professor

**STATE OF NEW JERSEY
MOTOR VEHICLE COMMISSION
CASE FILE NUMBER: DXXXX XXXXX 04292
OAL DOCKET NUMBER: MVH 10622-18**

IN THE MATTER OF :
FELIX DELLAVECCHIA : **FINAL DECISION**

The Motor Vehicle Commission (Commission) hereby determines the matter of the proposed suspension of the New Jersey driving privilege of **FELIX DELLAVECCHIA**, respondent, for his involvement in a motor vehicle accident which resulted in the death of Walter Church. Pursuant to N.J.S.A. 39:5-30, the Commission proposed a suspension of respondent's New Jersey driving privilege for a period of twenty-two (22) months.

Respondent has been charged with N.J.S.A. 39:4-144 – failure to stop or yield. Prior to this final agency determination, I have reviewed and considered the Initial Decision of the Administrative Law Judge (ALJ) and the November 7, 2018 letter of exceptions to the Initial Decision, which was filed with the Commission by counsel for respondent, as well as petitioner's November 13, 2018 reply to respondent's letter of exceptions. Based upon a de novo review of the record presented, I shall accept and adopt in full the findings and conclusions contained in the Initial Decision and shall affirm the recommendation of the ALJ.

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 regarding the charge of failure to stop or yield. However, in consideration of the facts set forth in the record, including the absence of any

aggravating factors, the ALJ ultimately concluded that “a balancing of the aggravating and mitigating factors warrants a suspension period far less than the twenty-two months originally proposed by the Commission.” Initial Decision at 10. The ALJ recommended that respondent’s New Jersey driving privilege be suspended for a reduced period of thirty (30) days subject to license re-examination prior to regaining driving privileges. Id. at 11.

Counsel for respondent filed a letter of exceptions to the ALJ’s Initial Decision, dated November 7, 2018, challenging the admission of evidence on the basis of hearsay. Respondent’s arguments, however, are unavailing as they object to admission of hearsay evidence based on standards applicable to judicial rather than administrative action. As correctly observed by the ALJ, the admissibility of hearsay evidence is subject to a different standard in administrative hearings. N.J.A.C. 1:1-15.5(a) provides that:

Subject to the judge's discretion to exclude evidence under N.J.A.C. 1:1-15.1(c) or a valid claim of privilege, hearsay evidence shall be admissible in the trial of contested cases. Hearsay evidence which is admitted shall be accorded whatever weight the judge deems appropriate taking into account the nature, character and scope of the evidence, the circumstances of its creation and production, and, generally, its reliability.

Admission of such hearsay evidence is subject to the residuum rule. “Notwithstanding the admissibility of hearsay evidence, some legally competent evidence must exist to support each ultimate finding of fact to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness.” N.J.A.C. 1:1-15.5(b).

As correctly adjudged by the ALJ,

The hearsay contained in the Certificate of Death and the Autopsy Report regarding the cause of Mr. Church’s death is supported by competent evidence in the record including the undisputed facts that respondent and Mr. Church were involved in an accident with another vehicle in July 2017, and respondent was issued a summons for his actions in connection with the accident. These documents are also supported by respondent’s testimony that the impact of the collision was heavy and felt like they had

been hit by a “Sherman Tank.” Respondent further acknowledged that within approximately twenty-four hours of the accident, Mr. Church was admitted to the hospital. Additionally, the documents are supported by the testimony of Patrolman Driscoll who testified and noted in his accident report that, Mr. Church reported complaints of pain in his chest. Finally, the documents are supported by the undisputed fact that Mr. Church died on July 31, 2017.

[Initial Decision at 9.]

Both counsel for petitioner and counsel for respondent submitted correspondence to the Chief Administrator after the time for submission of exceptions had lapsed. Counsel for petitioner submitted a copy of the death certificate and autopsy report in his letter dated December 4, 2018. In correspondence dated December 21, 2018, counsel for respondent objected to petitioner’s submission. However, both the copy of the death certificate and the autopsy report were already part of the record.

A letter dated December 24, 2018, from petitioner’s counsel, argued in favor of admission of the hearsay evidence, and was followed by correspondence from respondent’s counsel, dated January 4, 2019, objecting to the submission and arguing against admission of the hearsay evidence. To the extent that the documents and arguments submitted in these letters are not repetitive of what already exists in the record, they are disregarded as improper and submitted well beyond the time period for consideration in this Final Decision.

Accordingly, I hereby determine that: (a) respondent was involved in a motor vehicle accident resulting in the death of another; and (b) respondent’s failure to stop or yield was a contributing cause of the accident.

The ALJ, after considering the circumstances of this case, concluded that a thirty-day suspension would be justified in this matter. In making her recommended decision

in this case, the ALJ correctly and thoroughly considered the factors set forth by the Appellate Division in Cresse v. Parsekian, 81 N.J. Super. 536, 549 (App. Div. 1963). Based on an independent review of the record and evaluation of these factors, I concur with each of the ALJ's assessments concerning aggravating and mitigating factors as detailed in the Initial Decision at 10. In light of my concurrence with the ALJ's assessment of all relevant factors and the balancing of such on this record, I shall not disturb the ALJ's recommendation with respect to the period of suspension being reduced to thirty (30) days. The Commission notes that respondent's proposed suspension is intended to be rehabilitative rather than punitive in nature.

As a condition of restoration, respondent shall submit to a Commission Driver Re-examination pursuant to N.J.S.A. 39:5-30(f).

It is, therefore, on this 23rd day of January, 2019, **ORDERED** that the New Jersey driving privilege of **FELIX DELLAVECCHIA** be suspended for a period of thirty (30) days; and it is further

ORDERED that Felix Dellavecchia submit to a Commission Driver Re-examination pursuant to N.J.S.A. 39:5-30(f) and N.J.A.C. 13:20-12.2.

NOTE: The **effective date** of this suspension is set forth in the "Order of Suspension," which the Commission encloses in this mailing.



B. Sue Fulton
Chair and Chief Administrator

BSF: rdd

cc: Michael T. Warshaw, Esq.
Kenneth Vercammen, Esq.



OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. MVH 11021-18

AGENCY DKT.NO.FXXXX XXXXX 58852

**NEW JERSEY MOTOR
VEHICLE COMMISSION,**

Petitioner,

v.

TASIA A. FAUNTLEROY,

Respondent.

Courtney Davison, Driver Improvement Analyst 3, for petitioner pursuant to N.J.A.C.
1:1-5.4(a)(2)

Tasia A. Fautleroy, respondent, pro se

Record Closed: October 31, 2018

Decided: December 13, 2018

BEFORE **JUDITH LIEBERMAN**, ALJ:

STATEMENT OF THE CASE

Tasia A. Fautleroy, (respondent) appeals from the decision of the petitioner, Motor Vehicle Commission (Commission), to suspend her license for 180 days, for operating her vehicle while suspended.

PROCEDURAL HISTORY

The Commission issued a Notice of Scheduled Suspension on May 4, 2017. The respondent submitted a timely request for a hearing on the suspensions. The Commission transmitted this matter to the Office of Administrative Law (OAL), where it was filed on July 31, 2018, as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to-13. A September 18, 2018, hearing was adjourned at the request of the respondent. The hearing was held at the offices of the OAL in Mercerville, New Jersey, on October 31, 2018, and the record closed that day.

FACTUAL DISCUSSION AND FINDINGS

The following is undisputed and, therefore, I **FIND** the following as **FACT**:

1. The respondent was involved in a motor vehicle accident in 2014.
2. On October 24, 2014, the respondent failed to appear in Woolwich Township Municipal Court for proceedings associated with the motor vehicle accident.
3. On August 26, 2014, the Commission issued a notice to the respondent that advised her license was scheduled to be suspended indefinitely, effective October 24, 2014, because she failed to answer a summons to appear in Woolwich Township Municipal Court. (R-2.)
4. On November 9, 2014, the Commission issued a notice to the respondent that advised her driving privilege had been suspended indefinitely. She was required to surrender her driver's license and pay a \$100 restoration fee. (R-3, 4.) She was also directed to submit court receipts showing that she satisfied the unanswered municipal summons. Ibid.
5. The respondent paid the restoration fee on March 16, 2015.

6. On January 10, 2017, the respondent was involved in a motor vehicle accident. (R-4.)
7. On February 7, 2017, the respondent satisfied her municipal court obligation and her driving privilege was restored. (R-5.)
8. On May 3, 2017, the Commission learned that the petitioner was involved in a motor vehicle accident while her driving privilege had been suspended. (R-1.)
9. On May 4, 2017, the Commission notified the respondent that her driving privilege was scheduled to be suspended for 180 days, effective May 29, 2017, because she operated a motor vehicle while her driving privilege was suspended. (R-6.)
10. The respondent has zero motor vehicle points on her certified Abstract of Driver History Record. (R-1.)

Testimony

The respondent, **Tasia Fautleroy**, testified that she sustained serious injuries after she was involved in a May 2013, motor vehicle accident, for which she was not responsible. She sustained inoperable disc herniations and nerve damage and suffered from significant memory loss. She still suffers from these conditions. At the time of the accident, she was enrolled as a student at the University of the Sciences in Philadelphia. She was in an accelerated program to become a physician's assistant. She previously graduated from Meredith College with a degree in biology. The injuries she sustained from the accident impaired her significantly. She was unable to perform the work required of the physician's assistant program and she and her doctors determined she could not pursue her degree.

She did not recall how she came to lose her driving privilege in 2014. She thought she had satisfied her obligations; however, she recognizes that it appears she did not pay a fine associated with a ticket. This led to her losing her work and income.

The January 10, 2017, accident was not her fault. She called the police after the accident occurred. None of the officers told her that her license was suspended. She believed her license was in good standing because, in May 2016, after a period of unemployment, she was hired by a medical clinic to transport patients. She believed the company would not have hired her had her license been suspended.

In February 2017, she learned that her license had been suspended. She came to learn this when she applied for automobile insurance, so she could purchase a car. She promptly responded by satisfying the outstanding obligation.

The respondent is currently employed full time as a health marketing executive for Humana. She rents a home in Haddonfield, New Jersey and works in Mt. Laurel, New Jersey. However, she must also travel by car to northern New Jersey three times each week, as well as to Mechanicsburg, Pennsylvania and New York state. She can take a train from Haddonfield to Philadelphia but must also rely upon her car. She also does per diem work for Capital Health in Trenton.

The respondent has a ten-year-old daughter, who she drives to school every day because there are no school buses. She is a single mother and has no family nearby.

Additional Findings

It is the obligation of the fact finder to weigh the credibility of the witnesses before making a decision. Credibility is the value that a fact finder gives to a witness' testimony. Credibility is best described as that quality of testimony or evidence that makes it worthy of belief. "Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observations of mankind can approve as probable in the circumstances." In re Estate of Perrone, 5 N.J. 514, 522 (1950). To assess credibility, the fact finder should consider the witness' interest in the outcome, motive, or bias. A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

As the fact finder, I had the ability to observe the demeanor, tone, and physical actions of the respondent during the hearing. She was exceptionally nervous and cried while she testified. She expressed remorse over the circumstances that caused her to suffer ongoing health and memory deficits, which, in turn, caused her to abandon her career goals. This appeared to create a cycle of difficulty, including unemployment.

She testified sincerely, and she demonstrated, through her manner and presentation, that she did not intentionally disregard her obligations. She paid the restoration fee in March 2015, and she believed she had tended to all her obligations. It is undisputed that she immediately paid the outstanding ticket when she learned about it. Faced with the prospect of a 180-day suspension, the respondent was significantly and sincerely distressed.

The respondent has zero points on her driver's abstract. The next most recent incident recorded on the abstract is the 2014 failure to appear that triggered the suspension at issue here. I find the respondent's testimony to be credible.

Accordingly, I **FIND** the respondent operated her vehicle while her driving privileges were suspended. I **FIND** that the respondent, upon learning of the suspension, immediately addressed her outstanding municipal court obligation and her driving privilege was restored. I further **FIND** the respondent does not have a history of disregarding the state's motor vehicle laws and regulations; she accumulated zero motor vehicle points throughout her driving history and each of her offenses involved administrative failures.

I also **FIND** the respondent has obtained employment, after a period of difficulty, and her job requires her to drive to a variety of distant locations on a regular basis. She is also the sole caretaker of her ten-year-old daughter, who she drives to school each day.

LEGAL ANALYSIS AND CONCLUSION

N.J.A.C. 13:19-10.8 provides for a 180-day suspension of driving privileges when it is shown that a driver has operated a vehicle during a period of suspension. The record reflects that respondent operated a vehicle during a period of suspension. Accordingly, I **CONCLUDE** that the MVC properly seeks to suspend the respondent's driving privilege.

Generally, the schedule of suggested suspensions should be followed in the interest of uniformity, unless an individual licensee is able to demonstrate extraordinary circumstances justifying a reduction or waiver. Administrative suspensions are remedial in nature, designed to promote public safety rather than to punish wrongdoers. Atkinson v. Parsekian, 37 N.J. 143, 155 (1962). It is the Commissioner's function to impose suspensions for the purpose of reforming the particular motorist, and not for the purpose of frightening or deterring others, even though that may be an incidental result. Cresse v. Parsekian, 81 N.J. Super. 536, 549 (App. Div. 1963), aff'd 43 N.J. 326 (1964).

Respondent has the burden of proving "good cause" for a special exception to the usual suspension imposed in similar cases. Good cause is a flexible concept which appears in many statutes and rules. Our courts have held that "[t]he essence of the phrase is its ability to afford relief in exceptional situations." Hovland v. Dir., Div. of Taxation, 204 N.J. Super. 595, 600 (App. Div. 1985). It is impossible to construct a "definitive catalogue" of all circumstances to be considered in determining the existence of good cause, and "[e]ach case must be decided upon its own facts." Ullmann v. Hartford Fire Ins. Co., 87 N.J. Super. 409, 414 (App. Div. 1965). Factors which may be relevant in determining the appropriateness of any suspension include the individual's past driving record, length of time licensed, receipt of prior warnings or prior attendance at driver improvement school, attitude and maturity level, evidence of recent improvement, need for a license, and other aggravating or mitigating circumstances. N.J.A.C. 13:19-10.2(b); Cresse, 81 N.J. Super. at 549. Need alone cannot be the deciding factor, however, since in today's motorized society virtually everyone needs a driver's license to earn a living and perform normal daily activities. See Div. of Motor Vehicles v. Morton, 4 N.J.A.R. 95 (Dir. of Motor Vehicles 1982).

Satisfaction of delinquent administrative obligations can be considered a mitigating factor when evaluating the proper suspension. N.J.S.A. 39:3-40(i) provides for a lesser fine if the suspension was issued pursuant to N.J.S.A. 39:4-139.10¹ or for failure to comply with a time payment order, and if the violator has paid all fines and other assessments.

Respondent has demonstrated that she was unaware of the suspension, as she believed she had satisfied her obligation when she paid the restoration fee in 2015. She further demonstrated that, when she learned of the suspension in February 2017, she reacted immediately to resolve it. While failing to appear before the municipal court is a serious matter, this occurred in 2014. Moreover, her driving record is commendable. She has had zero motor vehicle points throughout her driving history. The January 2017, accident, for which she was not at fault, is the only incident recorded on her abstract after the 2014 failure to appear in municipal court.

In addition, the respondent has obtained employment after an unfortunate event that caused her to abandon her education and resulted in unemployment. Her job requires her to drive to locations for which mass transit is not available. She is also the sole caretaker of her young daughter, who she drives to school each day. Based on the foregoing, I **CONCLUDE** that respondent has met her burden of proving "good cause" for a special exception to the usual suspension imposed in similar cases. The appropriate remedial sanction must next be determined. This requires a consideration of the totality of the circumstances, including respondent's personal circumstances and her driving record. I must balance the competing interests of respondent and the public.

In the present case, respondent has significant interest in keeping her privileges whereas the public interest in suspending her license is limited because, based upon her driving record, she does not present a danger to others on the road. The incidents on her abstract represent administrative actions rather than moving violations and, as noted, she has accumulated zero motor vehicle points.

¹ Concerning failure to respond to a failure to appear notice or to pay a parking judgment.

Having considered respondent's personal circumstances and her driving record, I **CONCLUDE** that the appropriate remedial sanction to be imposed, one to drive home to respondent the absolute necessity that she comply with all administrative directives, including those of the municipal court, as well as comply with all motor vehicle and traffic laws, would be a twenty-day suspension of the respondent's New Jersey driving privileges.

ORDER

Based on the foregoing, I **ORDER** that the Commission's action suspending respondent's New Jersey Driver's License for one hundred eighty days is **MODIFIED** to a period of twenty days. The effective date of this suspension shall be set forth in an Order of Suspension that petitioner shall send to respondent under separate cover.

I hereby **FILE** my initial decision with the **CHIEF ADMINISTRATOR OF THE MOTOR VEHICLE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CHIEF ADMINISTRATOR OF THE MOTOR VEHICLE COMMISSION**, who by law is authorized to make a final decision in this matter. If the Chief Administrator of the Motor Vehicle Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **CHIEF ADMINISTRATOR OF THE MOTOR VEHICLE COMMISSION, 225 East State Street, PO Box 160, Trenton, New Jersey 08666-0160**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

December 13, 2018
DATE

Judith Lieberman
JUDITH LIEBERMAN, ALJ

Date Received at Agency:

12/13/18

Date Mailed to Parties:

12.14.18

JL/vj

APPENDIX

WITNESSES

For petitioner:

Tasia A. Fauntleroy

For respondent:

Courtney Davison

EXHIBITS

For petitioner:

- P-1 Certified abstract
- P-2 Certified copy of Scheduled Suspension Notice, August 26, 2014
- P-3 Certified copy of Order of Suspension, November 9, 2014
- P-4 Certified copy of crash investigation report, January 10, 2017
- P-5 Certified copy of Restoration Notice, February 8, 2017
- P-6 Certified copy of Scheduled Suspension Notice, May 4, 2017
- P-7 Hearing request, received May 24, 2017
- P-8 Copy of address change history
- P-9 Conference report, July 20, 2017

For respondent:

None



OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. MVH 14129-18

AGENCY DKT. NO. 07582

MOTOR VEHICLE COMMISSION,

Petitioner,

v.

CHIBUIKE OGBONNAYA,

Respondent.

Blondeen Bryan, Driver Improvement Analyst, for petitioner Motor Vehicle Commission pursuant to N.J.A.C. 1:1-5.4(a)(2)

Chibuike Ogbonnaya, respondent, pro se

Record Closed: November 7, 2018

Decided: December 12, 2018

BEFORE **DAVID M. FRITCH**, ALJ:

STATEMENT OF THE CASE

The respondent, Chibuike Ogbonnaya, appeals a proposed order of suspension of driving privileges for 180 days issued by the petitioner, the Motor Vehicle Commission (MVC), for operating a vehicle while suspended. The respondent contends that the proposed suspension is excessive punishment for his conduct.

PROCEDURAL HISTORY

By notice dated January 11, 2018, MVC notified the respondent of the proposed suspension and the respondent made a timely request for a hearing. MVC transmitted the matter to the New Jersey Office of Administrative Law (OAL) where it was filed on September 28, 2018, for determination as a contested case. N.J.S.A. 52:14B-1 to 15 and 14F-1 to 13. The matter was heard on November 7, 2018, and the record closed on that date.

FACTUAL DISCUSSION AND FINDINGS

MVC entered documentary evidence which included a certified abstract of the respondent's driving record. That record shows the following: the respondent has a lengthy driving history replete with many violations, none of which were refuted, including at least five prior violations for driving while revoked.

In August 2008, the respondent was sent a proposed suspension notice to his home address in Ewing, New Jersey, advising him that his license would be suspended for unpaid motor vehicle surcharges exceeding \$1,800. If these charges were not paid in full or an installment payment remitted by October 3, 2008, the notice informed the respondent that his driving privileges would be indefinitely suspended on October 12, 2008, and an additional \$100 fee would be charged to restore those privileges. MVC also provided a certification of mailing of the proposed suspension notice to the address which MVC had in its records, and in the records of the insurance surcharge system, documenting that the notice was mailed to the respondent via first class mail on August 30, 2008. The respondent, during his testimony, confirmed that the address on this notice was correct and this address is still where he currently resides. The respondent does not contend that he paid the fees to avoid suspension of his license, and the record reflects that the respondent's license was suspended for non-payment of these surcharges on October 12, 2008. MVC sent a notice to the respondent's address notifying him of the suspension in a letter dated October 12, 2008.¹

¹ The respondent's New Jersey driving privileges were not restored until November 2017.

On or about April 10, 2014, the respondent received a moving violation in Ohio for speeding. The respondent admits to receiving the violation, however, he did not pay the fines in Ohio associated with this violation until November 2017. After the fines for this violation were paid, MVC was notified of the violation, and MVC sent the respondent a notice on January 11, 2018, informing him that his license was scheduled to be suspended as of February 4, 2018, for 180 days. A conference report of MVC's proceedings on February 28, 2018, stated that the ticket the respondent received in Ohio was against a Pennsylvania commercial driver's license which he held from 2012 to 2015. The respondent transferred his Pennsylvania license back to a New Jersey license in 2017.

The respondent testified that, from 2006 to 2014, he was undergoing marital problems with his wife, and he was only sporadically resident at his home in Ewing, New Jersey. While he maintained his residence there, and currently resides at that residence with his wife, between 2006 and 2014 he was spending time in Pennsylvania and other places and was not regularly getting the mail delivered to him at his Ewing, New Jersey address because his estranged wife was not giving him his mail. He does not contest that his New Jersey driver's license was under suspension when he received the speeding ticket in Ohio in 2014, but claims that he did not realize his license had been suspended at that time until he received notice of the current suspension action in 2017. When he received his ticket in Ohio, he was driving with a Pennsylvania license that he obtained during this period and he believed that was a valid license. He returned to New Jersey last year and moved back into his house after reuniting with his wife. After his return, he went through his driving record and paid over \$16,800 in surcharges to restore his New Jersey license. After this was done, and his license was restored in November 2017, he received notice of the current suspension action a few weeks later.

The documentary records of MVC show that there were no fewer than eleven additional suspensions on the respondent's New Jersey driving privileges issued after his license was suspended in October 2008, and prior to the respondent receiving a

moving violation in the state of Ohio in April 2014. In addition to his other outstanding suspensions, the respondent's driving privileges were suspended effective November 14, 2008, and again on January 2, 2009, for failure to respond to a summons in Trenton Municipal Court. His driving privileges were further suspended effective March 14, 2011, due to a judgment issued in Mercer County Superior Court. Two more suspensions, effective June 12, 2011, and September 23, 2011, were issued for unpaid surcharges. The respondent was also subjected to a 180-day suspension effective October 12, 2011, by court order in Ewing Township Municipal Court for operating a motor vehicle while his driver's license was under suspension. His license was again suspended effective December 16, 2011, for failure to answer a summons in Deptford Township Municipal Court and on January 22, 2012, for failure to pay his insurance surcharge assessment. Additional driver's license suspensions were imposed effective June 19, 2012, for failure to pay fines imposed by Ewing Township Municipal Court, and January 27, 2013, and January 26, 2014, for failure to pay insurance surcharge assessments.

The respondent acknowledges his lengthy driving record and history of violations and suspensions. The respondent does not deny any elements of the offense, or the documents on the record. He admits that he has not been a "choir boy" but is asking for "mercy" to be relieved from any further suspension on his license. The respondent contends that he has worked hard and paid over \$16,800 in surcharges to address these prior suspensions and to have his New Jersey driver's license restored, and he currently does not have any outstanding warrants or surcharges. He had just completed the process of having his license privilege restored in November 2017, when he received notice that his license was suspended again due to a speeding ticket he received in Ohio in 2014. The respondent needs his license to commute to his regular job, and to continue his work as a driver with the ride-sharing company Uber. He was also recently accepted to drive as a driver with the ride-sharing company Lyft, and wants to begin driving for them as well. He does not deny the underlying offense, but seeks "mercy" from further license suspensions to allow him to continue to work. He admits that he did "wrong," but submits that any further suspension would not benefit the people of this state and impair his ability to support himself and his family.

Following a review of the testimony and documentary evidence submitted, I **FIND** the following as **FACT**:

1. The respondent's driving record on file with MVC as of the date of this hearing is as stated in the documents submitted with this hearing. His driving record goes back at least as far as 1993 and, among the most serious violations on the respondent's driving record, it documents the following prior violations:
 - a. April 16, 1994, June 1, 1994, April 1, 1996, May 15, 1996, August 4, 2011, October 12, 2011, and November 18, 2014, for operating a vehicle while under a suspended driver's license;
 - b. October 10, 2015, July 7, 2015, May 16, 2012, October 30, 1996, and November 1, 1994, for failure to comply with a court install order;
 - c. February 2, 2007, and June 19, 2007, for operating under the influence of liquor or drugs.
2. The respondent's New Jersey driving privileges were suspended indefinitely on October 12, 2008, due to the failure to pay insurance surcharges. The respondent was notified of this suspension by letter sent via regular mail to his address on file with MVC.
3. The respondent was issued a citation for speeding in the state of Ohio on April 10, 2014, although his driving privileges were suspended on October 12, 2008, due to failure to pay insurance surcharges and those privileges remained suspended at the time he received this citation.
4. The eleven other subsequent suspensions of his driving privileges as detailed in MVC's records which were imposed after, and in addition to, the suspension dated October 12, 2008, and prior to the respondent's

receipt of a moving violation in April 2014, were not contested. Despite being subject to multiple concurrent suspensions, the respondent was operating a motor vehicle during a period of license suspension when he received a violation for speeding in the state of Ohio on April 10, 2014.

5. The respondent's driving privileges in New Jersey were restored in November 2017.
6. In November 2017, the respondent also paid the outstanding fines for the speeding ticket he received in the state of Ohio in April 2014. Following the payment of these fines in November 2017, Ohio notified MVC of the violation and MVC moved to suspend the respondent's driving privileges for a period of 180 days as of February 4, 2018, for driving while under suspension.
7. The respondent utilizes his driver's license to commute to and from his full-time employment and also to earn money working as a driver for Uber. The respondent acknowledges his culpability for his actions and indicated that he would be willing to pay a fine or surcharge for the restoration of his driving privileges, however, he believes that any further suspension of his driving privileges would have an unreasonably detrimental impact on his ability to earn a living.

LEGAL ANALYSIS AND CONCLUSION

The petitioner has the burden of proving, by the preponderance of the credible evidence, the truth of the charge brought against the respondent. A licensee shall be given "due notice in writing of such proposed suspension, revocation, or prohibition and the ground thereof." N.J.S.A. 39:5-30. Parsekian v. Cresse, 75 N.J.Super. 405, 409 (App. Div. 1962). A conviction of driving while suspended may be established by proof of a certified driver's abstract. State v. Zalta, 217 N.J.Super. 209 (App.Div. 1987). Thus, to sustain a suspension for driving during a period of license suspension or revocation, New Jersey law does not require MVC to prove actual receipt by the licensee of the Notice of Proposed Suspension or Order of Suspension.

Here, MVC provided satisfactory proof by a certification that a notice of suspension was mailed to the respondent at the address that is in his records with MVC. Although the respondent claims he was not regularly spending time at that address during this period due to marital strife, it is uncontested that this was, and remains, the respondent's address on file with MVC. MVC gave due notice to the respondent, which is all that is required to sustain the suspension of the respondent's New Jersey driver's license effective October 12, 2008. Parsekian, 75 N.J.Super. at 409. The respondent further does not contest the multitude of subsequent suspensions applied to his driver's license by MVC following the indefinite suspension of his license in October 2008, and prior to the respondent's moving violation in April 2014. It is undisputed that the respondent's driving privileges were not restored until he took action to remediate his unpaid fines and have his license privileges restored in November 2017. Although his driver's license was under suspension at the time, the respondent does not dispute the fact that he was, in fact, operating a motor vehicle when he received a citation in the state of Ohio on April 10, 2014. I **CONCLUDE**, therefore, that MVC has sustained its burden of proof to demonstrate that the respondent operated a motor vehicle on or about April 10, 2014, and that his driver's license was under a period of suspension at this time.

Although the petitioner has shouldered the burden, there remains the need to impose the appropriate sanction in this case. MVC may suspend the privilege to drive motor vehicles for any violation of Title 39 or on any reasonable ground. N.J.S.A. 30:5-30. When the driving privileges of an individual have been suspended or revoked:

Should information be received by the [MVC] after restoration of an individual's driving privileges that the individual operated a motor vehicle during the period of revocation or suspension, the Chief Administrator may revoke or suspend the individual's driving privileges for a period of six months, or for some other period which the Chief Administrator determines.

[N.J.A.C. 13:19-10.8]

The primary objective of administrative proceedings before the MVC is “to foster safety on the highway. . . .” Atkinson v. Parsekian, 37 N.J. 143, 155 (1962). “It is the [MVC’s] function to impose suspensions for the purpose of reforming the particular motorist and not for the purpose of frightening and deterring others, even though that may be an incidental result.” Cresse v. Parsekian, 81 N.J. Super. 536, 549 (App. Div. 1963), aff’d 43 N.J. 326 (1964).

The Director must weigh each case individually, to determine whether a suspension is required at all for the purposes above mentioned and if so for how long. Among other things, he should consider the facts which constitute the particular violation; whether the motorist was willful or negligent; how long the motorist has been driving; whether this is his first offense; whether he has been involved in any accidents; his age and physical condition; whether there were any aggravating circumstances, such as drinking, or, on the other hand, whether there were extenuating circumstances. Upon all these and all the other facts and circumstances, he should determine whether it reasonably appears, as a matter of proylaxis, and not of punishment, that the motorist should be kept off the highway, and if so, how long.

[Id.]

In considering the appropriate remedial sanction, the competing interests of the respondent and the public must be balanced. Here, the respondent has a lengthy history of numerous violations committed over the span of his years of driving. Although the respondent stated that he has worked hard to restore his driving privileges, and his driving privileges were restored in November 2017, these privileges were subjected to a renewed suspension shortly thereafter as a result of a speeding ticket the respondent received in April 2014, after MVC became aware that the respondent had operated a vehicle while his driver’s license was under a period of suspension. While the current suspension is based on conduct that occurred over four years ago, this temporal remoteness must be balanced with the recognition that the present offense constitutes the respondent’s eighth violation for operating a motor vehicle while under a period of license suspension.

Despite the extensive opportunities the respondent has had to reform his driving record, his record remains replete with violations exhibiting a habitual disregard for the rule of law with respect to the motor vehicle rules and regulations. After the receipt of the speeding ticket in April 2014, the respondent received additional violations for non-payment of insurance surcharges in March 2015, August 2015, April 2016, August 2016, and April 2017, and violations for failure to comply with a court install order in July 2015, and October 2015. While the respondent has demonstrated a need for a driver's license to help support himself and his family, it is well established that need alone cannot be a deciding factor because, in today's motorized society, virtually everyone requires a driver's license to earn a living and perform normal daily activities. See Div. of Motor Vehicles v. Morton, 4 N.J.A.R. 95 (Div. of Motor Vehicles 1982).

Having considered the respondent's personal situation and his extensive driving record, it is clear that the appropriate remedial sanction should drive home to the respondent the necessity that he obey all motor vehicle and traffic laws, including the requirement to pay required fees and surcharges, and comply with the restrictions of a license suspension. Although the respondent acknowledged his culpability for the current violation and indicated a willingness to pay fines and surcharges to restore his driving privileges, he asserts that any further suspension of his driving privileges is unnecessary and excessive due to the detrimental impact such a suspension would have on his ability to continue to work and earn his livelihood—particularly the impact this would have on his work as a driver for Uber. The respondent's driving record, however, demonstrates a habitual failure to pay fines assessed in a timely manner—a practice that has led to the respondent's drivers' license being revoked multiple times in the past for failure to pay outstanding surcharges. It is clear, therefore, that some period of suspension is appropriate.

The purpose of the sanction, however, must remain focused on the goal of fostering safety on the roads. Parsekian, 37 N.J. at 155. The respondent's last violation relating to the unsafe operation of a motor vehicle was a speeding ticket from April 2014. Although the respondent's driving record shows no more recent violations relating to the manner in which the respondent was operating a motor vehicle than his

2014 speeding ticket, the respondent's driver's license had been under suspension until November 2017. While N.J.A.C. 13:19-10.8 permits MVC to suspend the respondent's license for six months, recognizing the respondent's efforts to restore his driving privileges following a long, multi-year period of suspension, and that the offending conduct took place over four years ago, I **CONCLUDE** that the appropriate sanction is a 120-day suspension of the respondent's New Jersey driving privileges.

ORDER

It is **ORDERED** that MVC's proposed suspension of the respondent's New Jersey driving privileges for 180 days is hereby **MODIFIED** to a period of 120 days' suspension. The effective date of this suspension shall be set forth in an order of suspension that MVC shall send to the respondent under separate cover.

I hereby **FILE** my initial decision with the **CHIEF ADMINISTRATOR OF THE MOTOR VEHICLE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CHIEF ADMINISTRATOR OF THE MOTOR VEHICLE COMMISSION**, who is by law authorized to make a final decision in this matter. If the Chief Administrator of the Motor Vehicle Commission does not adopt, modify or reject this decision within forty-five days, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **CHIEF ADMINISTRATOR OF THE MOTOR VEHICLE COMMISSION, 225 East State Street, P.O. Box 160, Trenton, New Jersey 08666-0160**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

December 12, 2018
DATE



DAVID M. FRITCH, ALJ

Date Received at Agency:

12/12/18

Date Mailed to Parties:

12-13-18

/dw

APPENDIX

WITNESSES

For petitioner:

Blondeen Bryan, MVC Driver Improvement Analyst

For respondent:

Chibuike Ogbonnaya, pro se

EXHIBITS

For petitioner:

P-1 New Jersey Motor Vehicle Commission Documents, Case No: Oxxxx xxxx
07582. These submitted documents include:

Certified Abstract

Certified copy of proposed plan and default suspension dated
8/29/08

Certified copy of scheduled suspension notice dated 9/15/08

Certified copy of order of suspension notice dated 10/12/08

Certified copy of scheduled suspension notice dated 11/3/08

Certified copy of order of suspension notice dated 11/30/08

Certified copy of scheduled suspension notice dated 1/18/09

Certified copy of order of suspension notice dated 3/15/11

Certified copy of proposed plan and default suspension dated
4/28/11

Certified copy of order of suspension notice dated 6/12/11

Certified copy of scheduled suspension notice dated 7/26/11

Certified copy of proposed plan and default suspension dated 8/5/11

Certified copy of order of suspension notice dated 9/18/11

Certified copy of order of suspension notice dated 10/9/11

Certified copy of confirmation of suspension by court notice 10/19/11

Certified copy of scheduled suspension notice dated 10/18/11

Certified copy of proposed plan and default and proposed suspension dated 12/8/11

Certified copy of order of suspension notice dated 1/22/12

Certified copy of confirmation of suspension by court notice dated 5/17/12

Certified copy of proposed plan and default and proposed suspension dated 12/14/12

Certified copy of scheduled suspension notice dated 1/27/13

Certified copy of proposed plan and default and proposed suspension dated 12/13/13

Certified copy of order of suspension notice dated 1/26/14

Certified copy of order of restoration notice dated 10/1/17

Certified copy of scheduled suspension notice dated 1/11/18

Copy of hearing request dated 1/22/18

Copy of MVS address change history

Copy of conference report dated 2/28/18

For respondent:

None