



AFFIRMED
MOTOR VEHICLE COMMISSION

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

By DLA

Date 7-3-14

INITIAL DECISION

OAL DKT. NO. MVH 14244-13

MVC DKT. NO. 10712

MOTOR VEHICLE COMMISSION,

Petitioner,

v.

ROBERT L. VINDICK,

Respondent.

Anthony J. Apicelli, Jr., Esq., for petitioner

Ross M. Gigliotti, Esq., for respondent

Record Closed: April 4, 2014

Decided: May 19, 2014

BEFORE **JOSEPH A. ASCIONE, ALJ:**

STATEMENT OF THE CASE
AND PROCEDURAL HISTORY

On August 23, 2012, pursuant to N.J.S.A. 39:5-30, petitioner, Motor Vehicle Commission (MVC), proposed to suspend the New Jersey driving privileges of respondent, Robert L. Vindick, for 450 days/fifteen months. The MVC administratively alleged that "on other reasonable grounds" respondent's actions on October 16, 2012, contributed to the death of Robert S. Scouler, III. Respondent contends that the fatal accident occurred predominately as a result of the actions of the deceased in driving a motorcycle at an excessive rate of speed and without endorsement to drive a

motorcycle. No criminal or municipal citations were issued to respondent. The MVC transmitted the contested case to the Office of Administrative Law (OAL). It filed the contested case on October 2, 2013, pursuant to N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13. I heard the case on April 4, 2014. The record closed that date.

FACTUAL DISCUSSION AND FINDINGS

Various witnesses present on October 16, 2012, testified as to their observations at or around the time of the accident.

Mary Beth Neiman

Mary Beth Neiman (Neiman) testified that on the afternoon of October 16, 2012, while stopped at a red light at the intersection of Kings Highway North and Miami Avenue, she first observed a motorcycle in the left hand lane. The motorcyclist appeared the same age as her son, had a helmet and T-shirt. As the traffic light turned green, the motorcycle proceeded north on Kings Highway North revving its engine and moving in and out of traffic at a high rate of speed. The motorcycle impacted with a dark green vehicle at the intersection with Tampa, and the motorcyclist's body flipped forward past the impact. Neiman testified Kings Highway North had five lanes, two lanes in each direction and a middle lane used for turns. She pulled over and called 911. She did not see the other vehicle until the accident; the motorcycle broadsided the car. There is no traffic signal at Tampa Avenue. There are stop signs on roads entering onto Kings Highway.

Joseph Cohen

Joseph Cohen (Cohen) testified that on the afternoon of October 16, 2012, he traveled in the right lane heading south on Kings Highway North about 900 feet from its intersection with Miami Avenue. He observed the accident at about a forty-five degree angle left from his position. He described his visor to be down as the sun was low on the highway. He saw the green Camaro coming and the motorcycle tried to get out of

its way. The motorcyclist propelled over the motorcycle and Camaro, and appeared flying through the flames. He first saw the green Camaro while it traveled straight across Miami. He did not hear the motorcycle engine prior to the accident. He did not notice the motorcycle's speed as excessive for the forty-five mile per hour speed limit. He considers himself a defensive driver and thought the time appeared sufficient for the Camaro to cross the intersection without incident. He noticed the motorcycle about fifteen seconds before the impact and saw the impact as an explosion on the Camaro.

Bob McGuinness

Bob McGuinness (McGuinness) testified that he worked for United Parcel Service as a driver on October 16, 2012. He was traveling in a southerly direction on Kings Highway North about to make a left turn onto Daytona, a block before Miami. He moved into the center lane with his left turn signal on to execute his turn. He observed in the distance the motorcycle passing cars. He stopped in anticipation of the motorcycle. Three seconds passed and the motorcyclist "was in the air." The motorcyclist appeared on the right side of his vehicle. He did notice that the Camaro stopped at the stop sign at the intersection of Tampa. The Camaro pulled out and McGuinness sensed something amiss. He did not see the impact only the motorcyclist in the air straight ahead of him. He did not note the speed of the vehicles. He testified that the Camaro had stopped in the center lane.

Peter Baca

Peter Baca (Baca) testified he is an attorney at law in the State of New Jersey, first admitted in 1979. He works in-house for an insurance company and deals predominately with workers' compensation laws. He travels on Kings Highway at least every other week. On October 16, 2012, he traveled south on Kings Highway North, had just passed Tampa Avenue heading toward Miami Avenue. Baca's first observation was the sound of the motorcycle traveling north on Kings Highway North. It was alarmingly loud. The motorcycle traveled at a fast speed. The speed he described as faster than he had seen on Kings Highway that day. He estimated that it traveled at

eighty miles per hour. The sound and speed drew his attention to his rear view mirror as the motorcycle passed. He observed the impact. The motorcycle impacted with the door frame of the vehicle. The motorcyclist traveled over the vehicle.

James Watts

James Watts (Watts) is a police officer with the Cherry Hill Township, Police Department. He has been employed with them since 2001. He has taken courses at the Camden or Gloucester County Police Academy in Crash Investigations I and II, Crash Reconstruction, Motorcycle Crash enforcement and Pedestrian enforcements. He has not completed all of the courses but has been certified as a crash investigator. He performed over 1,000 accident investigations, approximately twenty-five fatal accidents and six as the principal investigator.

On October 16, 2012, Watts's duty was the "on-call" traffic officer and he was directed to respond to the scene of an accident at Kings Highway North and Tampa Avenue. On arrival at the scene, as the principal investigator, Watts spoke with Sgt. Rand and Police Officer Panno to obtain the preliminary background. The collision occurred at approximately 4:22 p.m. at the intersection of Kings Highway North (North bound lane) and Tampa Avenue, and involved Robert S. Scouler, III, who operated a 2002 silver Honda CBR Motorcycle, and respondent, Robert L. Vindick, who operated a 1996 green Chevrolet Camaro. He was not able to arrive at the scene until approximately forty-five minutes after the impact. He used a laser measurement tool to map the scene (P-2). He described Kings Highway as a five-lane road, two lanes in each direction, with a center lane for turning and a shoulder on each side of the roadway. The motorcycle had significant damage as well as fire damage, the Camaro also had damage. Several witnesses were still at the scene. Panno advised Watts that the motorcycle operated at a fast rate of speed, and Panno had anticipated making a vehicle stop right before the accident occurred but had no reading on the speed of the motorcycle.

Watts did not personally conduct all of the witnesses's interviews. He did interview Baca at the police station. He left the accident scene sometime after 6 p.m., and visited the hospital where he spoke with the respondent briefly, and the stepfather of the deceased. Watts testified that Vindick was extremely upset. Vindick claimed he did not know where the motorcycle came from and "I didn't see him." After leaving the hospital, Watts returned to the Cherry Hill Police Station, and downloaded field data to the server at the station.

A few days later, Watts again interviewed Vindick. Vindick informed Watts that he was coming back from a lunch break at Wawa with a co-worker. They were not in a rush to get back. He knew the area and drove through the back roads to avoid the traffic. He came to a stop at the stop sign at Tampa. He planned to stop for gas at the station on the far side of Tampa. He worked a block or two away from the scene of crash. Vindick clarified his statement at the hospital regarding not seeing the motorcycle. He did see the motorcycle behind another motor vehicle. Vindick blacked out after impact.

Watts further testified that his accident scene reconstruction reflects that the motorcycle immediately prior to the impact traveled northerly in the left lane of Kings Highway North, and the impact occurred within the intersection of that road and Tampa Road. He bases this testimony on the observations of the tire marks of the motorcycle and that of the green Camaro (P-2). The Camaro's tire marks appearing in the left lane of Kings Highway North resulted from the impact of the motorcycle with that vehicle. Watts testified that the fire which ensued resulted in the elimination of other evidence that could have been retrieved. Various witnesses's testimony verify that the impact occurred with the driver's side door frame of the Camaro. This is also consistent with his reconstruction analysis.

Watts testified that his investigation concluded that the motorcycle traveled at a fast rate of speed by a driver who did not have a license to operate a motorcycle. These factors were the primary cause of the accident. Watts further testified Vindick's action in entering the intersection, after having observed the motorcycle, contributed

toward the accident and violated N.J.S.A. 39:4-144 (failure to yield). Watts testified that he did not issue a summons to Vindick as he concluded the major cause of the accident to be the actions of the deceased.

There is testimony from one of the witnesses that the Camaro stopped in the center lane of Kings Highway. This is inconsistent with the motorcycle and vehicle tire marks from the left lane of Kings Highway North appearing in the accident scene mapping (P-2). It is likely that the Camaro moved as a result of the impact and finally rested in the center lane where Tampa Avenue intersected Kings Highway North, also depicted on P-2.

The death certificate of Robert S. Scouler, III, reflects that he died on October 16, 2012, from a cervical spine fracture resulting from an accident (J-1).

Respondent did not testify.

As most of the material facts are undisputed, I **FIND** the following **FACTS**:

1. An accident occurred on October 16, 2012, at approximately 4:22 p.m. at the intersection of Tampa Avenue and the northbound lane of Kings Highway North, when a 2002 silver Honda CBR motorcycle driven by Robert S. Scouler, III, impacted with a 1996 green Chevrolet Camaro, driven by respondent, Robert L. Vindick.
2. The motorcycle quickly accelerated to a rate of speed in excess of the posted speed limit of forty-five miles per hour and the pace of other vehicles it traveled with. The motorcycle weaved in and out of traffic, and produced excessively loud noises during this acceleration process. The noise could be heard at the intersection of Tampa and Kings Highway North.
3. Robert S. Scouler, III is not licensed to operate a motorcycle.

4. Robert S. Scouler, III died from a cervical spinal fracture as a result of the accident (J-1).
5. Vindick operated the vehicle that Mr. Scouler impacted. He traveled on Tampa Avenue in a westerly direction and came to a stop sign at the intersection of Tampa Avenue and Kings Highway North.
6. Vindick acknowledged to Watts that he saw the motorcycle behind another vehicle before entering Kings Highway North.
7. Vindick had an obligation to yield to an "immediate hazard" as he entered Kings Highway North.
8. Vindick had a right to anticipate that the traffic on Kings Highway North would proceed within the speed limit.

FURTHER FACTUAL DISCUSSION

Vindick in proceeding past onto Kings Highway North had to cross two lanes of traffic before the center lane of Kings Highway North. The center lane would provide him with protection to again stop or, if clear, proceed to his intended destination at the gasoline station on the far side of Kings Highway North. He did not reach the center lane prior to the impact with the motorcycle. Vindick's obligation to yield did not end on entering Kings Highway North, but continued to where he could again stop. In light of the testimony of all the eye witnesses, the motorcycle presented an immediate hazard. It is difficult to understand how Vindick did not perceive this hazard. While Vindick had a right to anticipate that the traffic on Kings Highway North would proceed within the speed limit, he should have observed an aggressive driver on the roadway and responded accordingly.

FURTHER FACTUAL FINDINGS

I FIND the following **ADDITIONAL FACTS**:

9. Vindick had an obligation to assess the traffic situation at Tampa Avenue and either failed to do so or did so in such a manner that he did not perceive the "imminent hazard" of the motorcycle.
10. Vindick should not have entered Kings Highway North, but should have yielded to the aggressively operated motorcycle.
11. Mr. Scouler's aggressive driving of the motorcycle, without a motorcycle driving license, and at a rate of speed in excess of the posted speed limit was the primary cause of the accident and his death.
12. Vindick's action in entering Kings Highway North without yielding to the motorcycle was a contributing cause of the accident and Mr. Scouler's death.
13. The MVC offered no testimony regarding aggravating circumstances of respondent's driving under the influence of any drugs or alcohol, willfulness, or wantonness. It does not appear that any exist.
14. Respondent's Driving Abstract (J-2) reflects failure to wear seat belt violations on July 24, 2012, September 16, 2011, and January 4, 2009. It also reflects the involvement in an accident on May 26, 2010 (no violation issued), and the use of a handheld cell phone while driving on January 3, 2007. There are an additional six violations more than ten years prior to the event in question which have not been considered in determining the reasonableness of the length of the suspension. Respondent's age is forty-one. His abstract reflects that at approximately nineteen years of age his first violation occurred in 1991.

LEGAL ANALYSIS AND CONCLUSION

N.J.S.A. 39:5-30 provides authority to the director of the MVC, in his discretion, to suspend the driving privileges of a motorist when it is shown that a driver has

operated a vehicle in violation of any of the provisions of the title and it results in the death of another. Here, after notice on April 29, 2013, the MVC proposed a suspension of respondent's driving privileges for fifteen months or 450 days on other reasonable grounds, and for respondent's failure to yield when entering an intersection preceded by a stop sign, and careless driving.

The respondent argues that petitioner has not met its burden of proof by a preponderance of the evidence that the respondent violated any provision of the title. . . Watts, the investigating police officer, did not issue any violation to the respondent. Watts also confirms that the actions of the deceased were the primary cause of the accident and the injury. Respondent argues that his actions do not rise to the level of resulting in the death of another because of the actions of the deceased.

The MVC maintains that Cresse v. Parsekian, 43 N.J. 326 (1964), affirming, 81 N.J. Super. 536 (1964), is the controlling case as to the authority of the director and the finding of a violation of N.J.S.A. 39:4-144. In Cresse the New Jersey Supreme Court affirmed the Appellate Division's decision remanding the matter to the director of the Division of Motor Vehicles to review his determination of the length of the suspension taking into account the factors expressed by the Appellate Division. The Appellate Division found a violation of N.J.S.A. 39:4-144, based upon a continuing obligation to make observations as a driver enters an intersection from a stop sign. This the Appellate Division found sufficient to support a suspension. However, the Appellate Division found that the length of the suspension requires a careful analysis of many factors in each individual case to determine that length. The court rejected the concept of a minimum suspension. The circumstances of this case require the careful analysis of many factors. This may have been done by the Fatal Accident Unit but is not part of the record before this tribunal. The Appellate Division at Page 549, suggests that consideration should be given to the facts which ". . . constitute the particular violation, whether the motorist was willful or reckless, or merely negligent, and, if merely negligent, how 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 circumstance, such as drinking, or, on the other hand, whether there were extenuating circumstances.”

There is no evidence of any willful or reckless action on the part of respondent, nor is there any evidence of alcohol or drug influence. This is a case of mere negligence and the evidence points to the deceased as the primary cause of his own death.

When the MVC seeks to suspend a driver's license it is done to foster public safety on the highway, not to be punitive or to vindicate public justice. See Atkinson v. Parsekian, 37 N.J. 143, 155 (1962); David v. Strelecki, 51 N.J. 563, 566 (1968).

In Division of Motor Vehicles v. Hantsoulis, 95 N.J.A.R. 2d. (MVH) 42 (1994) WL 841278, the Administrative Law Judge found a suspension of 120 days appropriate. The director in the final decision provided for no suspension. The factual circumstances were slightly different but the actions of the deceased were the primary cause of the fatality.

It is not to say that this respondent's driving record is unblemished. This is not his first offense. Within the years leading up to this accident he has had multiple seat belt violations and another accident, though no violations were charged against him in that accident. He also had a violation for using a hand held phone while driving. This presents a concern for the safety of others on the road. The seat belt violations may not be what they appear to be but that is not before this tribunal. However, it may have come into the analysis performed by the fatal accident unit's determination of the length of the suspension.

I **CONCLUDE** that the MVC had proved by a preponderance of the evidence that respondent violated N.J.S.A. 39:4-144, and such violation contributed in the death of another;

I further **CONCLUDE** that the MVC has the discretionary authority under N.J.S.A. 39:5-30 to suspend the driving privileges of respondent;

I further **CONCLUDE** that the primary cause of the fatal accident resulted from the deceased's operation of his motor vehicle in an aggressive manner, at a speed in excess of the posted speed limit, and without a motorcycle operator's license;

I further **CONCLUDE** that the MVC has not shown any aggravating circumstances of respondent, other than J-1, his driving abstract, to be considered in determining the length of the suspension period;

I further **CONCLUDE** on the evidence presented before me the driving privileges of respondent should be suspended for a period of 180 days.

ORDER

For the reasons stated above, I hereby **ORDER** that petitioner's application is **DISMISSED**.

I further **ORDER** that the respondent's driving privileges be suspended for a period of 180 days. The effective date of this suspension shall be set forth in an Order of Suspension which shall be sent to the respondent by the Commission 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.

May 19, 2014
DATE


JOSEPH A. ASCIONE, ALJ

Date Received at Agency:

May 20, 2014

Date Mailed to Parties:

May 20, 2014

cmo

APPENDIX
LIST OF WITNESSES

For Petitioner:

Mary Beth Neiman
Joseph Cohen
Bob McGuinness
Peter Baca
James Watts, Police Officer, Cherry Hill Police Department

For Respondent:

None

LIST OF EXHIBITS

Joint:

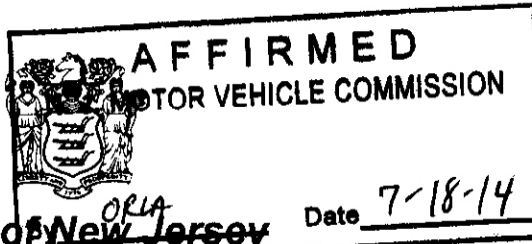
J-1 Death certificate Robert Steven Scouler, III (10/16/2012)
J-2 Driver's Abstract

For Petitioner:

P-2 Post accident rendering of accident scene

For Respondent:

None



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. MVH 12473-13
AGENCY DKT. NO. 03644

**NEW JERSEY MOTOR VEHICLE
COMMISSION,**

Petitioner,

v.

VICTOR J. CLEARY,

Respondent.

Anthony Apicelli, Jr., Esq. for petitioner

Carl M. Ippolito, Esq. for respondent

Record Closed: May 5, 2014

Decided: June 3, 2014

BEFORE **LINDA M. KASSEKERT, ALJ:**

STATEMENT OF THE CASE

The New Jersey Motor Vehicle Commission (Commission) proposes to suspend the driver's license of the respondent, Victor J. Cleary, for twenty-six months pursuant to N.J.S.A. 39:5-30, because he was involved in an accident on November 6, 2012, on Klinesville Road in Raritan Township, Hunterdon County, New Jersey, resulting in the death of William A. Hardenburg (J-3). Respondent contends he was operating an excavator that is not a vehicle requiring a driver's license to operate and that his license should not be suspended as a matter of law.

PROCEDURAL HISTORY

On March 26, 2012, the Commission prepared a Scheduled Suspension notice charging that respondent's driving privileges would be suspended for twenty-six months as a result of a fatal accident and a charge of obstructing the passage of other vehicles. (N.J.S.A. 39:4-67). Respondent was also charged by the Raritan Township Police Department with being an unlicensed driver (N.J.S.A. 39:3-10).

On January 30, 2013, the matter was transmitted to the Office of Administrative Law for determination 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 held on March 14, 2014, at which time the parties requested additional time to supplement the record. However, on May 5, 2014, petitioner's counsel advised the undersigned that he would not be supplementing the record. In light of this information, the record closed on that date.

FINDINGS OF FACT

The following facts are not in dispute:

On November 5, 2012, at approximately 08:53 hours, a crash occurred involving two motor vehicles, machinery in operation, and a pedestrian on CR 617 (Klinesville Road), in the area of milepost 2.8, Raritan Township, Hunterdon County, New Jersey. This crash resulted in the death of pedestrian, William F. Hardenburg. (J-1).

On that date, a dump truck with an attached flat bed trailer was stopped in the northbound lane of travel. The respondent was seated inside an excavator and was in the process of unloading it from the flatbed trailer. The decedent was standing in the southbound lane of travel, assisting with the offload. The operator of a 1995 Chevrolet pickup, Neil S. Tiffany, was traveling north on Klinesville Road. Mr. Tiffany swerved into the oncoming lane of travel to avoid the stopped construction equipment stationed in his lane of travel. Mr. Tiffany's right side view mirror sideswiped the excavator and his front end struck the decedent in the southbound lane of travel. The decedent was thrown

into the northbound lane and struck the front end of a stopped 1998 Ford Crown Victoria, operated by Barbara J. Platt.

The decedent was transported to Hunterdon Medical Center where he succumbed to the injuries sustained in the crash and was pronounced deceased at 09:27 hours.

The respondent was issued a summons for having a disqualified commercial and non-commercial driver's license in the State of Pennsylvania, where he is a resident. The charge was later dismissed, as it was determined that a driver's license was not required to operate the excavator. The parties agree that a valid driver's license is not required to operate an excavator.

LEGAL DISCUSSION

Under N.J.S.A. 39:10-2 defines a "nonconventional motor vehicle" as:

Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to, ditch-digging apparatus, well-boring apparatus, road and general purpose construction and maintenance machinery, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, power shovels, drag lines, self-propelled cranes, earth-moving equipment, trailers and semitrailers which weight less than 2,500 pounds, except that no mobile or manufactured home or travel trailer shall be classified as a nonconventional type motor vehicle, motorized wheelchairs, motorized lawn mowers, bogies, farm equipment having a factory shipping weight of less than 1,500 pounds, whether or not motorized, including farm tractors within said weight limitation, industrial tractors, scooters, go-carts, gas buggies and golf carts."

N.J.S.A. 39:3-10 provides that: "no person shall drive a motor vehicle on a public highway in this State unless the person is under supervision while participating in a behind-the-wheel driving course pursuant to section 6 of P.L. 1977, c. 25 (C.39:3-13.2a) or is in possession of a validated permit, or a probationary or basic driver's license issued to that person in accordance with this article."

In this matter, the issue to be determined is whether the excavator is a motor vehicle, which would then require it be operated by a licensed driver. As previously indicated, both parties agree that the excavator is a nonconventional motor vehicle pursuant to N.J.S.A. 39:10-2. The Township of Raritan, in dismissing the charges against the respondent indicated that the excavator did not require a driver's license to operate.

Respondent relies on DMV v. Aballo, OAL Docket No. MVH 10718-98. In this matter the Honorable Kathryn A. Clark, ALJ, determined that a backhoe was not a motor vehicle within the contemplation of the Motor Vehicle laws. Judge Clark quoted Ferrante Equipment Company v. Foley Machinery Co., 49 N.J. 432, 231 A.2d 208 (N.J. 1967) stating:

We conclude that the legislature mean by the term 'motor vehicle' to include only those self-powered vehicles that were suitable for use on the public highways, e.g., automobiles, buses and trucks and to exclude other self-propelled vehicles such as a (sic) bulldozers, which are not ordinarily designed and used for transportation of persons and property on public streets.

In this matter, I agree with the parties that the excavator is not a motor vehicle but is a nonconventional motor vehicle as defined in N.J.S.A. 39:10-2. Accordingly, as a nonconventional motor vehicle, I **CONCLUDE** that the proposed suspension against respondent's driver's license is not appropriate and his license should not be suspended as a matter of law.

ORDER

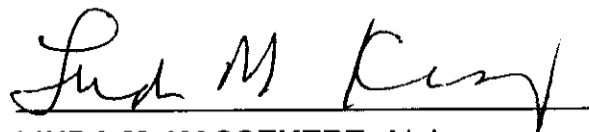
It is hereby **ORDERED** that the proposed suspension against respondent's driving privileges be **DISMISSED**.

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.

6/3/14
DATE


LINDA M. KASSEKERT, ALJ

Date Received at Agency:

6/3/14

Date Mailed to Parties:

6/5/14

/lam

WITNESSES

For Petitioner:

None

For Respondent:

None

EXHIBITS

Joint Exhibits

- J-1 Fatal Accident Report
- J-2 New Jersey Police Crash Investigation Report
- J-3 Death Certificate of William A. Hardenburg
- J-4 Certified Driving Abstract- Victor J. Cleary
- J-5 Bureau of Driving Licensing, Pennsylvania Department of Transportation driver history of Victor J. Cleary
- J-6 Raritan Township ticket issued to Victor J. Cleary