



**AFFIRMED**  
**MOTOR VEHICLE COMMISSION**

*OLRO*  
**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

Date 11-29-18

**INITIAL DECISION**

OAL DKT NO MVH 09843-18

AGENCY DKT.NO CXXXX XXXXX09892

**NEW JERSEY MOTOR  
VEHICLE COMMISSION,**

Petitioner,

v.

**DARRELL L. COLLISON,**

Respondent.

**Courtney Davison**, Driver Improvement Analyst, for petitioner pursuant to N J A C  
11-54(a)(2)

**Darrell L. Collison**, respondent, pro se

Record Closed. August 31, 2018

Decided October 15, 2018

**BEFORE SUSAN L. OLGATI, ALJ**

**STATEMENT OF THE CASE**

Darrell L. Collison (respondent) appeals scheduled suspension notices issued by the Motor Vehicle Commission (Commission) for two convictions of moving vehicle violations within one year of license restoration (persistent violator). Respondent argues that the violations are improper and the result of police harassment

## PROCEDURAL HISTORY

On March 28, 2018, the Commission issued a Scheduled Notice of Suspension notifying respondent that effective April 21, 2018, his license was to be suspended for 120 days. On May 18, 2018, the Commission issued a second Scheduled Suspension Notice, notifying respondent that effective June 11, 2018, his license was to be suspended for ninety days. Respondent submitted a timely request for hearing. The Commission transmitted this matter to the Office of Administrative Law, where it was filed on July 6, 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 August 31, 2018, and the record closed that date.

## FACTUAL DISCUSSION AND FINDINGS

### I. Undisputed Facts and Findings

The following facts are undisputed. Accordingly, I **FIND**.

- 1 Respondent obtained his N.J. driver's license in October 2014. He was cited for motor vehicle violations twenty times between October 22, 2014, and May 17, 2018. For these various violations, respondent was assessed twenty-four points on his abstract of driver history record (P-1).
- 2 On June 4, 2017, the Commission issued respondent a Restoration Notice advising that his driving privileges were being restored effective June 2, 2017. (P-2)<sup>1</sup> The notice further provided respondent with an official warning and advised that as of June 2, 2017, he was to begin a one-year probationary period and that if he committed any violation during the probationary period his driving privilege might be suspended. Id.

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<sup>1</sup> It appears this restoration notice was in connection with an April 4, 2017, Order of Suspension based upon a point system violation. See P-1.

- 3 On February 1, 2018, respondent was cited for improper operation (highways with marked lanes) and was assessed two points (P-1)
- 4 On March 28, 2018, the Commission issued a Scheduled Suspension Notice advising respondent that his license was to be suspended for 120 days based upon the February 1, 2018, violation committed within one year of his probationary period (persistent violator) (P-3)
- 5 On April 3, 2018, the Commission issued respondent a Restoration Notice with warning (P-1)<sup>2</sup>.
- 6 On April 12, 2018, nine days after the restoration notice was issued, respondent was cited for careless driving and assessed two points (P-1)
- 7 On May 18, 2018, the Commission issued another Scheduled Suspension Notice advising respondent that his license was to be suspended for an additional ninety days based upon the April 12, 2018, violation committed within one year of his probationary period (persistent violator). P-4
- 8 Since June 27, 2018, the date of the report of his driver's abstract, respondent has incurred additional motor vehicle violations<sup>3</sup>

## II. Testimony

Respondent did not dispute the violations listed in his abstract of driver history record. Rather, he argued that the motor vehicle stops underlying the violations were unjustified and the result of police harassment. Respondent claimed that he is constantly being "pulled-over" by the police for no reason. He argued that his driving is not as bad as his record reflects. Most of his violations have occurred in Franklin and Clark Township. Respondent tried fighting

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<sup>2</sup> It appears this restoration notice related to a February 15, 2018, persistent violator suspension

<sup>3</sup> These additional violations do not appear yet on his abstract of driver history record

some of the tickets received for the violations but was unsuccessful. He contended that he had to accept the plea deals offered for other tickets.

III **Additional Finding of Fact**

Based on the testimonial and documentary evidence, I further **FIND** that respondent was adjudicated or pleaded guilty to the motor vehicle charges listed in his abstract of driver history.

**LEGAL ANALYSIS AND CONCLUSIONS**

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

(a) Persons whose licenses are restored after a suspension imposed under this section 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 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 --90 days;
2. When the subsequent violation occurs more than six months but less than nine months after the restoration --60 days;
3. When the subsequent violation occurs more than nine months but less than one year after the restoration --45 days.

(b) A second violation of the Motor Vehicle Laws committed within one year of the restoration 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 --180 days

2. When the second violation occurs more than six months but less than nine months after the restoration --120 days
3. When the second violation occurs more than nine months but less than one year after the restoration --90 days

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). Suspensions are intended to reform the motorist, not to frighten or deter 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 an exception to the usual suspension imposed in similar cases. Good cause is a flexible concept. It is impossible to construct a "definitive catalogue" of all circumstances to be considered in determining the existence of good cause. "Each case must be decided upon its own facts." Ullmann v. Hartford Fire Ins. Co., 87 N.J. Super 409, 414 (App. Div. 1965).

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.

Here, respondent's driver abstract began in 2014. During the nearly four-year time frame listed in his driver abstract (October 2014 to May 2018), respondent received twenty motor vehicle violations and was assessed twenty-four points. Respondent argued that the motor vehicle stops underlying his violations were not based upon his driving but rather were the result of police harassment.

While respondent believes that the motor vehicle violations of which he has been adjudicated/pleaded guilty were the result of police harassment, the license suspension

hearing before the Office of Administrative Law is not the forum in which to raise such arguments. As there is no basis to disturb the convictions and/or guilty pleas entered, there is no alternative but to render a decision based on respondent's undisputed abstract of driver history record. Further, respondent's mere belief that the violations were the result of police harassment does not constitute a good cause exception to the imposition of the usual penalty. Finally, any mitigating factors such as respondent's need for a license<sup>4</sup>, are insufficient to outweigh the aggravating factors, including the number of violations incurred since being licensed in 2014, and the lack of evidence of recent improvement.

Accordingly, based upon respondent's undisputed driving record, I **CONCLUDE** that the appropriate remedial sanction, is a suspension of 210 days (120-day suspension plus an additional 90-day suspension)

**ORDER**

Based on the foregoing, I **ORDER** the respondent's driving privileges are hereby suspended for a period of 210 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.

<sup>4</sup> Collison presented no mitigating factors, other than his claim that the motor vehicle violations were due to police harassment. However, a review of the Commission Conference Report reveals that respondent's occupation is listed as "student" (P-6). The need for a driver's license alone however, cannot be a deciding factor. See Div. of Motor Vehicles v. Morton, 4 N J A R 95 (Dir. Of Motor Vehicles 1982).

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

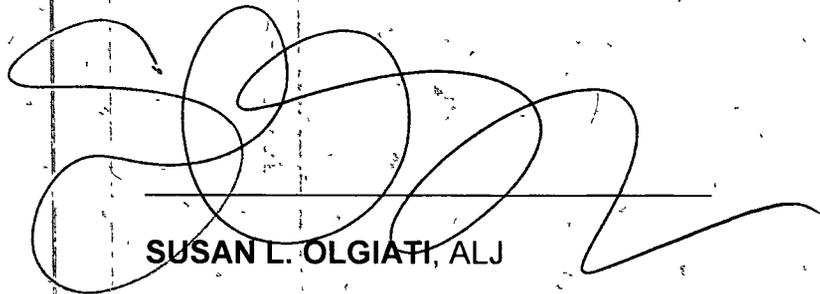
October 15, 2018

DATE

Date Received at Agency

Date Mailed to Parties.

SLO/vj



SUSAN L. OLGIATI, ALJ

10/15/18

10-16-18

**APPENDIX**

**WITNESSES**

**For petitioner:**

Courtney Davison

**For respondent:**

Darrell L Collison

**EXHIBITS**

**For petitioner:**

- P-1 Abstract of Driver History Record
- P-2 MVC Restoration Notice
- P-3 Scheduled Suspension Notice, 120 days, 4/21/18
- P-4 Scheduled Suspension Notice, 90 days, 6/11/18
- P-5 Fair hearing request, April 10, 2018
- P-6 MVC Conference Report

**For respondent:**

None