



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. MVH 03772-20

AGENCY Ref. No. TXXXX XXXXX 01642

NEW JERSEY MOTOR VEHICLE COMMISSION,

Petitioner,

v.

ANTHONY G. CORBO, JR.,

Respondent.

Blondee Bryan, appearing for petitioner Motor Vehicle Commission pursuant to N.J.A.C. 1:1-5.6.

Anthony G. Corbo, Jr., appearing pro se.

Record Closed: February 12, 2021

Decided: February 16, 2021

BEFORE **GAIL M. COOKSON**, ALJ:

STATEMENT OF THE CASE

On or about October 3, 2019, the New Jersey Motor Vehicle Commission (Commission or MVC) issued a Scheduled Suspension Notice to Anthony G. Corbo, Jr. (respondent), proposing to suspend his driving privileges for forty-five (45) days due to his receipt of a moving violation summons within a one-year suspension period, previously imposed. Respondent appealed the Suspension Notice by letter sent on or

about October 25, 2019. The agency held a settlement conference on January 28, 2020, with respondent. When the matter did not resolve, the Commission transmitted the matter to the Office of Administrative Law on March 6, 2020, for determination as a contested case pursuant to N.J.S.A. 52:14F-1 et seq.

Due to the current pandemic emergency, the hearing on the matter was delayed. On February 12, 2021, I convened a telephonic plenary hearing, on which date the record closed.

FINDINGS OF FACT

Based upon due consideration of the testimonial and documentary evidence presented at the hearing, and having had the opportunity to observe the demeanor of the witnesses and assess their credibility, I **FIND** the following **FACTS**.

1. Respondent is fifty-seven years old and lives with his elderly mother, age eighty-nine. He also cares for his aunt, his godmother, who is ninety-five years old and has no one else to take care of her. She lives alone and he tends to her grocery and medical needs, and meets with her aide approximately twice per week.

2. On September 17, 2019, respondent was found or pled guilty to failing to adequately stop his vehicle at a stop sign in East Hanover, NJ. This triggered the persistent violator provisions.

3. Since that summons, respondent has had a clean driving record.

4. Respondent has earned three credits for attending a safety course. He also had a clean record for a long period – 1995 to 2018.

LEGAL DISCUSSION AND CONCLUSIONS

Petitioner is empowered to suspend a motorist's driving privileges for a violation of any provision of the motor vehicle statutes or for any other "reasonable grounds,"

which regulatory action is separate and apart from any sanction imposed by a court.
N.J.S.A. 39:5-30.

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:

* * *

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.

[N.J.A.C. 13:19-10.6(a)]

Motor vehicle license suspensions are primarily intended to protect the safety of the public. David v. Strelecki, 51 N.J. 563 (1968). The failure to comply with motor vehicle regulations concerning the movement of vehicles on public roads is a safety hazard.

MVC did not argue that there were any facts in aggravation of the present proposed forty-five-day suspension. Respondent argues in mitigation that he needs his license in order to provide the care required by his mother and his aunt. The latter individual lives alone, while he lives with his mother.

I am persuaded that his driving privileges should not be suspended for forty-five days as proposed by petitioner because no rehabilitative purpose would be served by an extended suspension of respondent's New Jersey driving privilege and it will cause very elderly members of his family an extreme hardship. But I am also persuaded that awarding no suspension would fail to send the right message to respondent who was

found guilty of not fully stopping at an intersection. I **CONCLUDE** that the public interest in safety and a rehabilitative function is served by a shorter suspension term.

ORDER

It is **ORDERED** that respondent's New Jersey basic driving privileges be suspended for seven (7) days.

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.

February 16, 2021



GAIL M. COOKSON, ALJ

DATE

Date Received at Agency:

2/16/21

Date Mailed to Parties:

id

APPENDIX

LIST OF WITNESSES

For Petitioner:

None.

For Respondent:

Anthony G. Corbo, Jr.

LIST OF EXHIBITS IN EVIDENCE

For Petitioner:

P-1 MVC Discovery Packet

For Respondent:

None.