

STATE OF NEW JERSEY
MOTOR VEHICLE COMMISSION
CASE FILE NUMBER: XXXXX XXXXX 61824
OAL DOCKET NUMBER: MVH 11333-07

IN THE MATTER OF :
JENNIFER L. LOCASCIO¹ : **FINAL DECISION**

The Motor Vehicle Commission (MVC or Commission) hereby determines the matter of the proposed suspension of the New Jersey driving privilege of **JENNIFER L. LOCASCIO**, respondent, for her involvement in a motor vehicle accident which resulted in the death of Ryan C. Berry. 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 fifteen hundred ninety (1590) days. The police summonses originally issued for the accident were for N.J.S.A. 39:4-50 – Operating Under the Influence of Alcohol or Drugs, N.J.S.A. 39:4-96 – Reckless Driving, and N.J.S.A. 39:4-82 – Failure to Keep Right; and the administrative charges herein were for N.J.S.A. 39:4-97-- Careless Driving and N.J.S.A. 39:4-88(b) – Failure to Maintain Lane.

Prior to this final agency determination, I have reviewed and considered the Initial Decision of the Administrative Law Judge (ALJ). No letters of exceptions to the Initial Decision were filed with the Commission by either party. 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 only modify the recommendation of the ALJ as

¹ Respondent's name is now Jennifer L. Hall.

to sanction as stated below.

In the Initial Decision, the ALJ concluded, after a thorough and careful examination of the record and a comprehensive analysis of the applicable legal principles, that the Commission met its burden of proof with regard to respondent's being the driver in this accident and having committed multiple Title 39 moving violations, specifying among other things that "she had been reckless, speeding on a winding country road under relatively poor driving conditions." Initial Decision at 6. Further, in consideration of the facts set forth in the record, weighing the aggravating and mitigating circumstances, the ALJ concluded that "respondent's driving privileges should be suspended for twenty-four (24) months," noting also that such administrative suspension is intended to be reformatory and not punitive. Ibid.

In light of my concurrence with the ALJ's assessment of the 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. However, I shall modify the suspension period sanction to reflect, in the unique and particular circumstances of the totality of this matter, this period to be considered here as "time already served".

Most notably, this is because respondent has been suspended already to date for a total period in excess of five years attributable to this accident, noting as well the 823 days of incarceration served, and in recognition that the accident occurred more than twelve years ago. Thus, in these very particular and narrow circumstances, there is not the rehabilitative purpose for an administrative suspension in addition to the suspension periods already imposed and the related requirements to be completed (including a statutorily-required driver re-examination and the court-ordered compliance with the

alcohol education program imposed by the court's sentencing on the DWI conviction after remand.)

The controlling Cresse analysis for the Commission's proposed administrative action calls for analysis of the particular facts of the violation in conjunction with an overall analysis of the totality of the circumstances and driver history, including all relevant aggravating and mitigating factors, with the overarching aim that the determination is as to "whether it reasonably appears, as a matter of prophylaxis and not of punishment, that the motorist should be kept off the highway, and if so, for how long."

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

It is, therefore, on this 9th day of October 2018, **ORDERED** that Jennifer L. Locascio (now Jennifer L. Hall) submit to a Commission Driver Re-examination (three-part) pursuant to N.J.S.A. 39:5-30(f) and N.J.A.C. 13:20-12.2, before any restoration of her driving privileges can be implemented.



B. Sue Fulton
Chair and Chief Administrator

BSF/kw

cc: George T. Daggett, Esq.