

PREPARED BY THE COURT

PLAINTIFF: Devon Barber VS. DEFENDANT: New Jersey Motor Vehicle Commission	SUPERIOR COURT OF NEW JERSEY MERCER COUNTY Docket No. Mercer – L-2371-25 Civil Action ORDER FOR WAIVER OF FEES
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THIS MATTER being opened to the Court by Devon Barber seeking a waiver of filing fees on the grounds of indigency; and the Court having reviewed the papers submitted in support of this application for a declaration of indigency and the waiver of filing fees pursuant to R. 1:13-2 or R. 2:7-1 and in conjunction with AOC Directive #03-17,

IT IS on this 5th day of December 2025, **ORDERED that the application is:**

XX **GRANTED:** All fees related to the filing shall be waived. The applicant is responsible for any costs associated with the service and/or advertising/publishing of any complaint. If applicant is awarded more than \$2000 in this case, the applicant is responsible to repay any and all fees waived as determined by the court.

 DENIED:

 Failure to establish household income is below 150% of the federal poverty level and/or that applicant has no more than \$2500 in liquid assets;

 Failure to produce most recent award statement of proof of eligibility for public assistance and/or social security disability;

 Failure to produce two (2) months of documentation for welfare, public assistance, unemployment, disability, social security, child support/alimony or other income; and/or failure to produce six (6) months of all bank account statements;

 The court finds that the complaint, application, motion, appeal, petition or other filing is frivolous or malicious or constitutes an abuse of process.

IT IS FURTHER ORDERED that the applicant shall serve a copy of this Order on all parties within seven (7) days from the date of this Order. This order expires one year after the final disposition of the case/judgment. If filed on appeal, the provisions of Rule 2:7-4 shall apply. Once the fee waiver has expired, the litigant is required to file another request for any further waiver of fees in this matter.

/s/ Douglas H. Hurd
 HON. DOUGLAS H. HURD, P.J. CV.

FORMAL DEMAND TO VACATE UNLAWFUL SUSPENSION — SUS S0340-00372-001558 — Devon T. Barber

From dTb33@pm.me <dTb33@pm.me>

To mvcsuspensions@dot.state.nj.us

CC mvc.correspondence@dot.nj.gov, randye.bloom@oal.state.nj.us, OAL.ClerksOffice@oal.nj.gov, NJAG.ElectronicService.CivilMatters@law.njoag.gov, Jim.doone@jjc.nj.gov

Date Tuesday, October 28th, 2025 at 2:29 PM

To: mvcsuspensions@dot.nj.gov

Cc: mvc.correspondence@dot.nj.gov; randye.bloom@oal.nj.gov; OAL.ClerksOffice@oal.nj.gov; NJAG.ElectronicService.CivilMatters@law.njoag.gov; jim.doone@jjc.nj.gov

Subject: Formal Demand to Vacate Unlawful Suspension — Notice No. SUS S0340-00372-001558 (Devon T. Barber)

Dear Driver Management Bureau and Office of Administrative Law:

I respectfully renew and supplement my October 22, 2025 hearing and stay request and my October 28, 2025 notice of non-response concerning the above-referenced suspension notice.

Based on the available record, the scheduled suspension is **jurisdictionally void** and **constitutionally defective** for want of statutory authority, procedural fairness, and a lawful predicate.

I. Factual Background

1. The predicate offense cited in Notice No. SUS S0340-00372-001558 is **South Bound Brook Municipal Court E20-1586 (Nov. 25, 2020)**, charging a violation of **N.J.S.A. 39:4-67 (Obstructing Passage of Other Vehicles)**.
2. I was stopped while operating another person's lawfully registered vehicle. The officer issued only the § 39:4-67 citation and a verbal warning. **No § 39:3-40 (Driving While Suspended)** summons or complaint was ever issued.
3. Had I actually been suspended, the officer would have been required by § 39:3-40(b) to detain or charge me accordingly. His failure to do so confirms that my driving privilege was valid on that date.
4. In 2025, while homeless and unrepresented, I appeared by remote municipal-court session and entered a guilty plea under economic duress simply to clear old matters so I could work. I was never advised that the plea could trigger a collateral MVC suspension, nor did the court verify my license status.
5. Nearly five years later, MVC issued a new 180-day suspension based solely on that plea, unsupported by any court order or prior suspension record.

II. Legal Defects Rendering the Suspension Void

A. No Statutory Authority

Under *N.J.S.A.* 39:5-30, MVC may suspend a license only “for a violation of this Title or on other lawful cause appearing.” A conviction for § 39:4-67 alone provides no authority for a 180-day suspension absent aggravating findings. No § 39:3-40 conviction or judicial suspension exists.

B. Due Process and Fundamental Fairness

The five-year delay between the 2020 offense and the 2025 suspension violates *In re Suspension of Heller*, 73 N.J. 292 (1977), and *State v. Szima*, 70 N.J. 196 (1976), which require timely, fair administrative action.

Further, mailing notice to a homeless individual does not constitute “meaningful notice and opportunity to be heard.” *Bell v. Burson*, 402 U.S. 535 (1971). MVC’s failure to acknowledge my timely electronic hearing request compounds this denial of due process.

C. Absence of Predicate Suspension

The agency presumes a prior suspension that never existed. An administrative body cannot create a “driving-while-suspended” status retroactively. *State v. Rodriguez*, 347 N.J. Super. 308 (App. Div. 2002).

III. Requested Administrative Relief

1. **Vacate** Notice No. SUS S0340-00372-001558 as void ab initio;
2. **Reinstate** my driving privileges immediately, or alternatively
3. **Transmit** the matter to the OAL for plenary hearing and automatic stay under *N.J.A.C.* 13:19-1.2(d); and
4. **Disclose** the complete MVC case file, including driver abstract, conviction transmittals, internal notes, and any document purporting to show a prior suspension.

IV. Continuing Harm and Notice of Intended Judicial Action

Each day of wrongful suspension deprives me of the ability to earn a living. I am a **New Jersey-licensed Home Improvement Contractor (HIC #13VH10808800)**. The ongoing suspension prevents lawful work, transportation, and housing stability, and subjects me to unnecessary police scrutiny despite my documented compliance efforts.

Unless MVC vacates or stays the suspension within **five (5) business days**, I will file a **Verified Complaint and Order to Show Cause** through **JEDS** in the **Superior Court of New Jersey, Law Division – Mercer County** (agency venue) or, in the alternative, **Atlantic County** under *R.* 4:3-3(b). Relief will include:

- a **Writ of Mandamus** compelling MVC to rescind or stay enforcement; and
- **Declaratory and Injunctive Relief** under **42 U.S.C. § 1983** for deprivation of due process and interference with my right to work and travel.

If no written acknowledgment or docket number is received by close of business **Friday, November 7, 2025**, I will proceed as stated above. Please confirm receipt and advise of the assigned case or hearing number. Remote participation is respectfully requested.

Respectfully submitted,

12/13/25, 7:30 AM

(187) All mail | dTb33@pm.me | Proton Mail

/s/ **Devon T. Barber**

325 E. Jimmie Leeds Rd., Ste. 7-333

Galloway, NJ 08205

(609) 665-9350 • DTB33@protonmail.com

Date: October 28, 2025

Certification (R. 1:4-4(b); 28 U.S.C. § 1746):

I certify under penalty of perjury that the foregoing statements are true and correct.

/s/ **Devon T. Barber**

DEVON TYLER BARBER

Barber, Devon T.

Barber, Devon (Tyler)

Attachments (Exhibits A–G, as referenced herein):

- Exhibit A – MVC Scheduled Suspension Notice (09192025)
- Exhibit B – Municipal Court Disposition (South Bound Brook E20-1586)-1
- Exhibit C – Hearing Request Email
- Exhibit D – Follow-Up and Non-Response Record
- Exhibit E – Prior Correspondence
- Exhibit F – Proof of NJ Contractor License (HIC #13VH10808800)
- Exhibit G – Certification of Homelessness, Indigence, and Public Assistance

Sent with [Proton Mail](#) secure email.

On Wednesday, October 22nd, 2025 at 4:50 PM, dTb33@pm.me <dTb33@pm.me> wrote:

To: mvc.suspensions@dot.state.nj.us

Cc: mvc.correspondence@dot.nj.gov

Subject: URGENT — Hearing & Stay Request (SUS S0340-00372-001558) — Devon T. Barber

Dear Driver Management Bureau,

I respectfully request an **administrative hearing** and an **immediate stay** of the scheduled **180-day suspension** referenced in **Notice SUS S0340-00372-001558** (prepared **09/19/2025**, effective **10/13/2025**).

Good cause for late, electronic filing. I am **homeless and indigent**. I had no reliable access to physical mail (a UPS mailbox I could not afford). I only retrieved this notice today from accumulated mail. For that reason, please accept this **electronic** request **out of time**.

Due process and fundamental fairness. The underlying offense date is **11/25/2020** (N.J.S.A. **39:4-67**). No suspension was imposed at that time; I was **not charged** with **N.J.S.A. 39:3-40** (driving while suspended). After

nearly **five years**, in 2025, I entered a plea **under economic duress**; only then did MVC schedule suspension. Such **stale enforcement** is **unreasonable and prejudicial** under New Jersey's **fundamental fairness** doctrine and due process principles (see **In re Suspension of Heller, 73 N.J. 292 (1977)** (agency action must be timely and procedurally fair); **State v. Szima, 70 N.J. 196 (1976)** (delay violating due process); **Bell v. Burson, 402 U.S. 535 (1971)** (meaningful **notice and hearing** are prerequisites to license suspension)). Moreover, the MVC's power under **N.J.S.A. 39:5-30** must be exercised **after due written notice** and a real opportunity to be heard; mailing that cannot practically reach a homeless person is **not meaningful notice**. See also **N.J.A.C. 13:19-10.8** (administrative suspensions) (all cited authorities attached/quoted in my statement).

Request.

1. **Accept** this email as my **official hearing request** and note **good cause** for late submission.
2. Enter an **Immediate Stay** of the scheduled suspension **pending hearing** and production of the MVC file.
3. Provide **remote (telephone/video) accommodations** due to indigence and homelessness.
4. Disclose all **records relied upon** (driver abstract; conviction transmittals; suspension history; internal notes supporting the scheduled action).

I seek to **comply with the law** and restore stability. As the **New Jersey Constitution, Art. I, ¶ 1**, teaches, government power should be exercised with **fundamental fairness** toward every person. I ask the Bureau to honor that standard here.

Please confirm **by reply email** that the **hearing is docketed** and the **stay** is in place.

Respectfully,

/s/ **Devon T. Barber**

DEVON TYLER BARBER

325 E. Jimmie Leeds Rd., Ste. 7-333, Galloway, NJ 08205

(609) 665-9350 • DTB33@protonmail.com

Date: October 22, 2025

I certify under penalty of perjury (**R. 1:4-4(b); 28 U.S.C. § 1746**) that the foregoing is true and correct.

— /s/ Devon T. Barber

HEARING STATEMENT OF FACTS & LAW

Re: Request for Administrative Hearing and Immediate Stay of Suspension

Notice: SUS S0340-00372-001558 • D.L. NUMBER B0543 16583 12972

Prepared: October 22, 2025 • Requester: Devon T. Barber

I. Facts

1. MVC issued a **Scheduled Suspension Notice** dated 9/19/2025, proposing 180 days effective 10/13/2025.
2. **Basis cited:** 11/25/2020 municipal offense (**N.J.S.A. 39:4-67, South Bound Brook**).
3. In 2020, I was not charged with 39:3-40 (driving while suspended). No contemporaneous suspension followed.

4. In 2025, amid homelessness and financial pressure, I entered a plea without counsel, unaware of collateral suspension; the court then transmitted the record to MVC.

5. I did not receive MVC's mailed notice due to homelessness (UPS mailbox unaffordable). I requested hearing immediately upon discovery.

II. Law

A. Fundamental Fairness & Delay. New Jersey requires timely and fair administrative action; unreasonable delay that prejudices a person can bar enforcement. In re Suspension of Heller, 73 N.J. 292 (1977) (agency discipline reversed for due-process defects/timing); State v. Szima, 70 N.J. 196 (1976) (prejudice from long delay violates due process). The five-year gap here—no 39:3-40 charge in 2020, suspension only after a 2025 plea—prejudices my defense and violates fundamental fairness. ([vLex](#))

B. Due Process — Notice & Hearing. A driver's license may not be suspended without meaningful notice and a hearing. Bell v. Burson, 402 U.S. 535 (1971). Homelessness made mailed notice ineffective; electronic acceptance and a stay are necessary to satisfy due process. ([Justia Law](#))

C. Statutory/Regulatory Framework. MVC's authority under N.J.S.A. 39:5-30 requires due written notice stating grounds and an opportunity to request a hearing. Any extension for alleged "driving during suspension" arises under N.J.A.C. 13:19-10.8, typically 180 days, but only if a lawful underlying suspension exists and due process was provided. Here, the 2020 officer did not charge 39:3-40, undermining any claim I was suspended then. ([Justia Law](#))

III. Requested Relief

1. Accept this request out of time for good cause (homelessness; late actual notice).
2. Enter an Immediate Stay pending hearing and production of MVC records.
3. Order remote participation (phone/video).
4. After hearing, vacate or reduce the scheduled suspension as untimely, unsupported, and unfair.

IV. Certification

I certify under penalty of perjury (R. 1:4-4(b); 28 U.S.C. § 1746) that the above facts are true.

/s/ Devon T. Barber Date: October 22, 2025

Sent with [Proton Mail](#) secure email.

2.13 MB 7 files attached

Exhibit B – Municipal Court Disposition (South Bound Brook E20-1586)-1.pdf 43.98 KB

Exhibit E – Prior Correspondence.pdf 126.15 KB

Exhibit D – Follow-Up and Non-Response Record.pdf 15.34 KB

12/13/25, 7:30 AM

(187) All mail | dTb33@pm.me | Proton Mail

Exhibit G – Certification of Homelessness, Indigence, and Public Assistance.pdf 205.21 KB

Exhibit C – Hearing Request Email.pdf 152.90 KB

Exhibit F – Proof of NJ Contractor License (HIC #13VH10808800).pdf 298.51 KB

Exhibit A – MVC Scheduled Suspension Notice (09192025).pdf 1.31 MB

Request for Complete Administrative Record – Suspension of Driving Privileges (NJ Open Public Records Act)

From dTb33@pm.me <dTb33@pm.me>

To OPRA@MVC.NJ.gov, Jennifer Jarembach <Jennifer.Jarembach@law.njoag.gov>

CC OPRA <opra@acpo.org>

BCC Allison Bach <allison.bach@njcourts.gov>, AppellateInformation Mailbox <appinfo.mbx@njcourts.gov>

Date Sunday, November 30th, 2025 at 12:58 PM

Devon Tyler Barber

c/o 3536 Pacific Avenue, #A5

Atlantic City, NJ 08401

Phone: (609) 862-8808 Email: dTb33@pm.me

Date: 30 November 2025

To: New Jersey Motor Vehicle Commission (NJMVC)

225 East State Street, Trenton, NJ 08608

Re: Request for Complete Administrative Record – *Suspension of Driving Privileges*

(NJ Open Public Records Act)

Greetings,

Pursuant to the **New Jersey Open Public Records Act** (N.J.S.A. 47:1A-1 et seq.) and the common-law right of access, I hereby request **the entire administrative record** concerning the suspension(s) of my New Jersey driving privileges—including every document that led to, references, or results from the suspension now reflected on my MVC abstract.

Why This Request Is Critical

- **Active court proceeding:** Superior Court docket **MER-25-002731** challenges the lack of due-process surrounding my suspension.
- **Recent arrest:** On **11/29/2025** I was arrested solely on MVC suspension data, despite never receiving notice of a “driving while suspended” violation—even after logging roughly **20,000 miles** in Atlantic County over the past year.
- **Five-year-old municipal matter:** A dormant traffic case was suddenly re-activated, leading to administrative enforcement while I was experiencing homelessness and felt pressured to accept a plea to halt ongoing harassment. I need the underlying MVC records to understand why this old matter now triggers a suspension and criminal enforcement.

Below is a **detailed, itemized list** of the records I am seeking. Please provide **all documents** (electronic PDFs or native files preferred) for each item.

A. Full Suspension File

For **each** suspension appearing on my MVC driver history, please furnish:

1. **Date & time** the suspension was entered.
2. **Statutory basis** and **administrative code** applied.
3. **Internal justification** or triggering event.
4. Any **court-submitted dispositions** or electronic communications.
5. Any **surcharge-related triggers**.
6. **Screenshots/images** of internal MVC case notes.
7. All **internal emails, memos, or communications** that reference:
 - My name
 - My driver ID
 - Any suspension
 - Any administrative hold
 - Any "compliance failure"
8. Any **"restoration requirement"** documents.
9. All **staff initials, digital sign-offs, or user-ID stamps** attached to the file.

B. All Notices Issued to Me

10. **Copies of every notice** sent to me concerning:

- Proposed suspension
- Actual suspension
- Hearing(s)
- Adjudication
- Restoration
- Surcharge
- Compliance

11. **Mailing logs** for each notice, showing:

- Address used
- Date mailed
- Returned-mail or undeliverable status
- Certified vs. regular-mail indicators

(These items are essential to determine whether statutory due-process notice was provided.)

C. Driver-History Details

12. **Full, certified driver history** (uncensored).

13. **Suspension timeline** displaying:

- Start & end dates
- Reason codes
- Source courts
- MVC action codes

- Effective dates vs. entry dates

D. Records on the Five-Year-Old Traffic Matter

- Documentation showing **how a 5-year-old municipal matter resulted in a suspension/enforcement** in 2024/2025.
- Whether the **municipal court reopened, amended, or updated** the case.
- Any **electronic disposition** sent to MVC during the past seven years.
- How the disposition was entered (check all that apply):
 - In-person
 - Digitally
 - By default
 - Without a hearing
 - Without my signature
- Whether MVC **issued a suspension years after the originating event**.
- Whether any **automated or batch process** triggered a delayed suspension.

E. Records Related to Recent Police Action

- All **license-status queries** made by law-enforcement that generated MVC responses concerning my status.
- The **exact suspension information** returned to police for each query, including timestamps.
- Any **mismatches** between the actual suspension date and the date police received the data.
- Any MVC **flags, holds, or administrative notices** tied to **plate F35-VLP**.

F. Registration / Insurance Files (If Applicable)

- Any administrative **flag or hold** placed on:
 - My vehicle registration
 - Plate **F35-VLP**
 - Insurance-lapse toggles
 - Any "stop" or "deny transaction" flags

G. Why This Request Is Necessary

- Supports an **active Prerogative Writ/Due-Process challenge** in Superior Court (MER-25-002731).
- Addresses an **arrest** stemming from a suspension I was never properly notified of.
- Determines whether MVC acted **without providing statutory notice**.
- Investigates the **sudden enforcement** of a five-year-old traffic matter, requiring a full administrative review.

Delivery Preference

Please deliver the requested records **electronically** (PDF or native format) to the email address below:

12/13/25, 7:28 AM

(187) All mail | dTb33@pm.me | Proton Mail

Email: dTb33@pm.me

If any portion of this request is denied, kindly cite the specific statutory exemption and provide a **written justification** for each withheld document.

Thank you for your prompt attention to this matter.

Respectfully,

s/ Devon Tyler Barber
