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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R.1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3506-15T1

DANIEL W. BUTCHEN,

Petitioner-Appellant,

v.

NEW JERSEY MOTOR VEHICLE
COMMISSION,

Respondent-Respondent.

Submitted May 2, 2017 – Decided May 19, 2017

Before Judges Ostrer and Leone.

On appeal from the New Jersey Motor Vehicle
Commission.

Lawrence B. Sachs, attorney for appellant.

Christopher S. Porrino, Attorney General,
attorney for respondent (Melissa Dutton
Schaffer, Assistant Attorney General, of
counsel; Zachary N. Klein, Deputy Attorney
General, on the brief).

PER CURIAM

Petitioner Daniel W. Butchen appeals from the February 11,
2016 final decision of the Chief Administrator of the New Jersey
Motor Vehicle Commission, suspending his New Jersey driving

privileges for 730 days, effective March 11, 2016. The suspension was based on Butchen's conviction in New York State on August 20, 2015, of driving under the influence (DUI). As a first offender in New York, his driving privileges there were revoked for 301 days, effective January 15, 2016 (after the expiration of a previously ordered stay). Although it was Butchen's first New York DUI, he was previously convicted on January 26, 2012, of driving under the influence in New Jersey.

The New York Division of Motor Vehicles sent a notice of the New York conviction, dated November 26, 2015, to the "CDL Unit" of the New Jersey Motor Vehicle Commission. The New Jersey Motor Vehicle Commission recorded the information on January 6, 2016. The next day, the Administrator notified Butchen of the impending suspension of his New Jersey driving privileges. The Administrator cited his authority under N.J.S.A. 39:5D-4 (authorizing New Jersey to give effect to out-of-state DUI convictions as if committed here); N.J.S.A. 39:5-30 (authorizing the Commission to suspend licenses); and N.J.A.C. 13:19-11.1 (stating that if an out-of-state conviction constitutes a second DUI violation, "a suspension shall be imposed under N.J.S.A. 39:4-50 corresponding to the number of the violation"). We note that N.J.S.A. 39:4-50(a)(2) mandates a two-year suspension for a second conviction of DUI. The Administrator advised Butchen that the suspension would be

effective January 31, 2016, unless he raised factual or legal issues, in which case the effective date would be postponed until those issues were resolved.

In response, Butchen requested a hearing on the grounds that the New Jersey suspension should commence January 15, 2016, to coincide with his New York suspension. He also seemed to request that his suspension be limited to the 301-day term of his New York suspension.

This request was rejected in the February 11, 2016 final decision by the Administrator. The Administrator found that Butchen's petition raised no material issues of fact. He further found that Butchen presented no legal basis for his requests.

On appeal, Butchen renews the request for relief presented to the Administrator, adding that he was entitled to a hearing. As he did before the Administrator, he provides no supporting legal authority for his arguments. We find none.

Butchen is, undisputedly, guilty of a second DUI offense in another state. Based on the authority cited, the Administrator was obliged to impose the suspension period reserved for second-offenders. The Administrator acted with reasonable promptness after receiving notice of the New York suspension and proposed to begin the New Jersey suspension only sixteen days after the New York suspension began. See Boyd v. Div. of Motor Vehicles, 307


N.J. Super. 356, 359 (App. Div.), certif. denied, 154 N.J. 608 (1998). The additional delay in commencement of the New Jersey suspension to March 11, 2016, was a product of Butchen's own ill-founded request for a hearing.

In short, we find that the Director imposed the appropriate penalty in the appropriate manner. No violation of rights occurred. Butchen's conclusory arguments to the contrary lack sufficient merit to warrant further comment in a written opinion.

R. 2:11-3(e)(1)(E).

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION