

THE STATE OF NEW HAMPSHIRE

COPY

Department of Safety Bureau of Hearings

Cheshire, ss.

September, 2013

In Re: Ian Freeman Bernard

OBJECTION TO RESPONDENT'S MOTION TO RECONSIDER

NOW COMES the State of New Hampshire, through the Keene Police Department Prosecutor, and objects to the respondent's *Motion to Reconsider*.

In support of this Objection, it is stated:

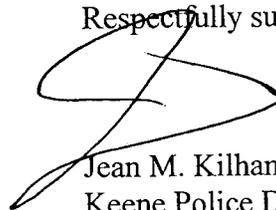
1. A hearing was held at the Bureau of Hearings on the afternoon of July 26, 2013 concerning information submitted by the Keene Police Department that the respondent has engaged in misconduct in that he misused and abused his driving privileges in violation of RSA 263:56. In support of the State's assertion, the State submitted evidence that the respondent has violated RSA 263:35 as he was a nonresident driver of a motor vehicle with a valid Florida driver's license and he established a bona fide residency in New Hampshire several years ago without ever obtaining a New Hampshire driver's license. The Chief Hearings Examiner issued the report outlining findings of fact and conclusions of law on or about September 6, 2013.
2. On or about September 11, 2013, the respondent submitted a motion to the Bureau of Hearings asking that the Chief Hearing Examiner's reconsider his decision.
3. The State objects.

4. Firstly, the respondent has not met his burden to re-open the case pursuant to Saf-C 203.23. The respondent does not allege the existence of newly-discovered evidence nor does he raise any new arguments. Rather, the respondent simply offers his opinions about the hearing and subsequent decision.
5. Most importantly, the respondent raised his arguments concerning jurisdiction during the hearing on July 26, 2013 and subsequent to the hearing by motion. Chief Hearings Examiner Michael King ruled on the matter of jurisdiction at the hearing and subsequent to the hearing within the official report. The respondent may raise his arguments on appeal pursuant to RSA 263:76.

WHEREFORE the State of New Hampshire, through the Keene Police Department Prosecutor, requests the Bureau of Hearings:

- A. Deny the defendant's *Motion to Reconsider*;
- B. Grant such other and further relief as justice requires.

Respectfully submitted,



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