

# IT'S VOID.

N.J.S.A. 40A:9-154.7 APPOINTMENT DEFECT — MUNICIPAL COURT REFERENCE CARD

## THE 7-STEP METHOD

### 01 Confirm It's NBPA

Check Agency Represented on the ticket. Must say NBPA or PEO — not a sworn NBPD officer.

### 02 Plead Not Guilty

Call the court using the number on your ticket. Plead not guilty. Trial date arrives by mail; pretrial conference comes first.

### 03 File OPRA Request

Email [cityclerk@cityofnewbrunswick.org](mailto:cityclerk@cityofnewbrunswick.org) requesting all governing body resolutions appointing parking enforcement officers under N.J.S.A. 40A:9-154.7. Or use [opramachine.com](http://opramachine.com). Response due in 7 business days.

### 04 Know The Defect

The City Council — not the NBPA — must appoint PEOs under N.J.S.A. 40A:9-154.7. The City Council never did. Every NBPA PEO appointment is invalid.

### 05 Pretrial Conference

Arrive with your OPRA response. State the officer lacked authority under N.J.S.A. 40A:9-154.7 — appointment belongs to the governing body, not the NBPA. Request outright dismissal.

### 06 Backup Arguments

Did you pay the posted rate even in the wrong zone? Is the street in Schedule 29? Was enforcement during posted hours? Signage unclear?

### 07 If It Goes To Trial

Burden of proof is on you. Officer need not appear. Move to dismiss for lack of jurisdiction before any testimony. Introduce OPRA response as evidence.

## CRITICAL — DO NOT

- Pay the ticket — payment waives your right to contest
- Discuss the underlying facts of the violation
- Accept a plea if the ticket is jurisdictionally void
- Miss a court date — results in automatic default judgment

## THE CORE ARGUMENT

The issuing officer was never validly appointed under N.J.S.A. 40A:9-154.7. That statute vests appointment authority exclusively in the governing body of the municipality — the City Council. The NBPA is not the governing body. The City Council never appointed NBPA PEOs and never lawfully delegated that authority. Every citation is void ab initio.

## OPRA REQUEST — SEND TO

[cityclerk@cityofnewbrunswick.org](mailto:cityclerk@cityofnewbrunswick.org)

Phone: 732-745-5040 · City Clerk: Leslie Zeledon

Subject: OPRA Request — PEO Appointment Records

Or: [opramachine.com](http://opramachine.com) (free, timestamps everything)

Response required within 7 business days (N.J.S.A. 47:1A-5)

## REQUEST THESE RECORDS

- All governing body resolutions appointing NBPA parking enforcement officers under N.J.S.A. 40A:9-154.7
- Full text of each resolution including ordinances authorized for enforcement
- All amendments or superseding resolutions
- Names of officers appointed and their appointment dates

## AT THE PRETRIAL CONFERENCE — SAY THIS

- "The officer was never validly appointed under N.J.S.A. 40A:9-154.7."
- "Appointment authority belongs to the governing body — not the NBPA."
- "The ticket is void ab initio — jurisdictional defect, not a technicality."
- "I am requesting outright dismissal."

## KEY STATUTE

N.J.S.A. 40A:9-154.7: "The governing body of any municipality may, as it deems necessary, appoint parking enforcement officers to enforce State, county or municipal statutes, resolutions, ordinances or regulations related to the parking of vehicles within the municipality." L. 1987, c. 260, s. 1.

## DISCLAIMER

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