

**NJ LAWS EMAIL
NEWSLETTER E470
Kenneth Vercammen,
Attorney at Law**

June 4, 2015 ☐☐ **Greetings!** ☐☐ **In this Issue:**

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1. Recent Cases: Municipal Court improperly admitted into evidence Drinking Driving Questionnaire (DDQ) and Drinking Driving Report (DDR).
2. 2015 update Wills and Estate Planning- Free Seminar-Last Seminar for the Summer
3. Professionals, Clients, 5k runners, Friends, Attorneys, Law Enforcement invited to Happy Hour & Networking Social July 17, 2015
4. Upcoming Community Events

E470

1. Municipal Court Improperly Admitted into Evidence Drinking Driving Questionnaire (DDQ) and Drinking Driving Report (DDR). State v. Kuropchak __ NJ __ (2015) (A-41-13).

The municipal court's admission of the Alcotest results without the foundational documents required by State v. Chun, 194 N.J. 54 (2009) was error. Further, because the DDQ and DDR contained inadmissible hearsay, which may have unduly influenced the municipal court's credibility findings, the matter is remanded for a new trial.

At trial, Gary Aramini, an Alcotest expert, and Officer Serritella testified. Aramini said that the tests were done improperly and that the State had failed to enter the right simulator solution Certificate of Analysis and the most recent Calibrating Unit New Standard Solution Report into evidence. He also testified that Officer Brito failed to wait the required twenty minutes between the second and third set of tests and that lip balm, blood in defendant's mouth, and a cell phone in the testing room may have tainted the results. The court admitted the Drinking Driving Questionnaire (DDQ) and Drinking Driving Report (DDR) into evidence as business records. The court also admitted Officer Brito's Alcotest Operator Certification, the Alcotest Calibration Certificate, Part I -- Control Tests, the Alcotest Calibration Certificate, Part II -- Linearity Tests, the Calibrating Unit New Standard Solution Report for solution control lot number 08J060, and a Certificate of Analysis 0.10 Percent Breath Alcohol Simulator

Solution. This Certificate was admitted without objection; however, the State concedes that it was for lot 09D065 rather than 08J060, which was the simulator solution used in defendant's control test.

HELD: The municipal court's admission of the Alcotest results without the foundational documents required by State v. Chun, 194 N.J. 54 (2009) was error. Further, because the DDQ and DDR contained inadmissible hearsay, which may have unduly influenced the municipal court's credibility findings, the matter is remanded for a new trial.

2. 2015 update Wills and Estate Planning- Free Seminar Last Seminar of the Summer

Wednesday June 17 12:15-1:00 PM and
again 5:15pm-6pm
Law Office of Kenneth Vercammen,
2053 Woodbridge Ave, Edison, NJ 08817

Recommended to attend: Clients, Friends, property owners, parents of children, Accountants, Business Owners, HR staff, Financial Planners, Insurance Agents, Nursing Home Staff, Hospital and Nursing Home Social Workers, Office on Aging Personnel, Senior Club Presidents, and Medicaid Workers,

COST: Free if you pre-register by email. Complimentary materials provided at 12:00 sharp. We previously held this seminar for the Metuchen and Edison Adult schools. This program is limited to 15 people. Please bring a canned food donation, which will be given to the Community Food Bank. Please email us if you plan on attending or if you would like us to email the materials.

SPEAKER: Kenneth Vercammen, Esq.

(Author- Answers to Questions About Probate)

The new NJ Probate Law made a number of substantial changes in Probate and the administration of estates and trusts in New Jersey.

Main Topics:

1. The New Probate Law and preparation of Wills
2. 2015 changes in Federal Estate Taxes
3. NJ Inheritance tax \$675,000
4. Power of Attorney
5. Living Will
6. Administering the Estate/ Probate/Surrogate
7. Question and Answer

COMPLIMENTARY MATERIAL: Brochures on Wills, "Answers to Questions about Probate" and Administration of an Estate, Power of Attorney, Living Wills, Real Estate Sales for Seniors, and Trusts.

Co-Sponsor: Middlesex County Estate Planning Council

To attend or for Information: Mike McDonald 732-572-0500

or email VercammenLaw@Njlaws.com

Can't attend? We can email you materials

Send email to VercammenLaw@Njlaws.com

3. Professionals, 5k runners, Friends, Attorneys, Law Enforcement invited to Happy Hour & Networking Social

July 17, 2015 Friday
at Bar Anticipation

703 16th Avenue Lake Como/ Belmar, NJ 07719

Free !

5:30-7:55PM Hot & Cold Buffet

The reduced price Happy Hour is 6-7PM with \$1.50 House Drink, Bud/BudLt draft & House Wine Special

Please bring a canned food donation for a community food bank, continuing to provide food and help to individuals in need.

Email Ken Vercammen's Law Office so we can put your name on the VIP list for wristbands. VercammenLaw@Njlaws.com

Co-Sponsors are Greater Monmouth Chamber of Commerce, Monmouth County Bar Association, NJAWBO (NJ Association of Women Business

Owners)Retired Police & Fire Middlesex Monmouth
Local 9, NJ State Bar AssociationCriminal Law
Section, Young Lawyers Division, Elder and
Disability Law Section, Real Property, Trust and
Estate Law Section, Minorities in the Profession
Section MIPS, Women in the Profession Section
WIPS, LGBT Rights Section, Special Civil Part
Special Committee, Lakewood Chamber of
Commerce, and 8 other sections and committees

If your group, non-profit or organization
wishes to co-sponsor the next networking happy
hour, please contact:

KENNETH VERCAMMEN, Esq.
2053 Woodbridge Ave.
Edison, NJ 08817
732-572-0500
VercammenLaw@Njlaws.com

**4. Upcoming Community Events:
June 8, 2015 at 7:30pm**

**Metuchen Library
Wills, Estate Planning & Probate Seminar
Free community program
480 Middlesex Ave, Metuchen, NJ 08840
<http://www.metuchenlibrary.org>**

June 13 George Sheehan 5k, 8:30 Red Bank
jsrc.org - benefiting Parker Family Clinic
www.sheehanclassic.org

June 14 Fuce 5K 8:30 Metuchen HS no awards
but good cause

June 15 PRESIDENT'S CUP NIGHT RACE 5K,
8pm, Charlie Browns, Millburn Free beer, big post
race party

**June 17 Summer update Wills and Estate
Planning- Free Seminar first session: 12:15-
1:00 PM and again 5:15pm-6pm (See Above for
more details)**

**For Rent Coffee Shop/Deli- 2045 Woodbridge
Avenue, Edison, NJ 08817 Available Immediately...
Price Reduced**

Great Store Front On Corner Lot. Great Location For A
New Deli, Coffee Shop Or other Personal Service
Business. New tile floor, freshly painted, and other
recent remodeling. Approximately 700 Sq.
Ft. Reduced to \$1500 per month. For more
information or to schedule a time to see space please
contact:

<http://michaelmcdonaldrealestateblog.blogspot.com/2015/04/for-commercial-lease-2045-woodbridge.html>

Listed by:

Michael McDonald, Realtor
Keller Williams Elite
481 Memorial Parkway
Metuchen, NJ 08840
732-429-8707

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