






DRIVER LICENSE APPEAL

IN THE MATTER OF:

 Petitioner License Number: 
 Hearing Date: 08/29/2008
 Case Number: 
Hearing Officer: M. J. MODELSKI

ORDER/AUTHORIZATION

Based on the findings of Fact and Conclusions of Law on the record, the original Department of State action of REVOKED-DENIED from 06/22/2006 has been modified and a restricted license is approved from 08/29/2008 through INDEFINITE.

THE FOLLOWING RESTRICTIONS APPLY:

LICENSEE SHALL NOT CONSUME INTOXICANTS. ANY DRIVING WITHIN SPECIFIED HOURS: MAY DRIVE FROM 6:00AM TO 7:00PM; MAY ONLY OPERATE VEHICLE EQUIPPED WITH INTERLOCK DEVICE; MAY DRIVE TO AND FROM CALIBRATION; ORIGINAL ACTION TO BE REINSTATED UPON VIOLATION; IGNITION INTERLOCK REQUIRED FOR ONE YEAR FROM DATE OF RESTRICTION; ANY ALCOHOL/DRUG RELATED ACTIVITY; ORIGINAL ACTION TO BE REINSTATED. SAFETY BELT USE REQUIRED. #####
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REQUIREMENTS

YOU MUST APPEAR AT A SECRETARY OF STATE BRANCH OFFICE TO COMPLY WITH THE FOLLOWING:

- ☞ MUST SHOW PROOF OF INSTALLATION OF IGNITION INTERLOCK SYSTEM
- ☞ PETITIONER MUST PRESENT THIS ORDER/AUTHORIZATION TO A SECRETARY OF STATE BRANCH OFFICE TO OBTAIN OPERATING PRIVILEGES WITH THE RESTRICTIONS LISTED
- ☞ FOLLOW BRANCH OFFICE PROCEDURES

This administrative hearing was held at Petitioner's request pursuant to MCL 257.322 and 1999 MR9 R 257.301 *et seq.* and any other applicable administrative rules.



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14

abstinence since 11/27/2005, the date of his last drunk-driving arrest. Petitioner submitted supporting testimonial letters. According to the substance abuse evaluation, his Alcohol Dependency is in remission based upon the length of abstinence, and he is given a good prognosis for continued abstinence from alcohol. Petitioner testified that he has not driven since his license was revoked and has no pending traffic citations.

The 24-year-old Petitioner acknowledged his 2 drunk-driving arrests/convictions, which arose on: 3/8/03 [per LEIN, BAC = .14] and 11/27/05 [per LEIN, BAC = .21 and .20]. Petitioner testified to being an alcoholic. His 1st drunk-driving arrest followed his drinking at a friend's house and then being stopped for crossing the yellow center line. He was sentenced to a year of probation, during which time he complied with the requirement for alcohol abstinence. His 2nd drunk-driving arrest followed his drinking 8 or 9 beers at [REDACTED] in Royal Oak with friends celebrating a birthday. Petitioner was sentenced to a year of probation with AA required twice a week. Petitioner stopped keeping sheets since his probation ended in 6/07.

Petitioner testified that he continues to attend AA regularly and has a sponsor. He was familiar with the AA Steps. Petitioner currently lives with his parents, after the lease on his apartment expired. Petitioner works for [REDACTED]

Petitioner did establish that Petitioner's substance abuse problem is under control and likely to remain under control, and did establish a sufficient period of complete and continuous abstinence as required by Rule 13 [R 257.313]. Of course, Petitioner has been limited by not being able to drive and has had to rely on others for transportation. A restricted license is approved. *with a breath alcohol ignition interlock device ["BAIID"]*, in this matter to allow the Department to monitor Petitioner's continued recovery from substance abuse or dependence, and to provide Petitioner the opportunity to prove he/she has the required ability and motivation to drive safely and within the law. *The breath alcohol ignition interlock device provides a safety net for the citizens of the State of Michigan.*

Petitioner may appeal further to the Circuit Court as permitted under MCL 257.323.

NOTICE

You have been approved for a restricted license after you prove that you have installed an ignition interlock device on your vehicle. You may only drive a vehicle with an ignition interlock device installed. The purpose of this device is to measure the bodily alcohol content (BAC) of the driver and to prevent the motor vehicle from being started if the BAC is greater than .025. The device will also require you to give random breath samples while driving. Please note the following:

- 1) **You cannot drive until the interlock device is installed and a branch office of the Department issues the restricted license.**

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