



STATE OF MICHIGAN  
 TERRI LYNN LAND, SECRETARY OF STATE  
 DEPARTMENT OF STATE  
 LANSING

**DRIVER LICENSE APPEAL**

In the matter of:

Petitioner



License Number:  
 Hearing Date:  
 Case Number:  
 Hearing Officer:



Harmon-Higgins

**ORDER/AUTHORIZATION**

Based on the findings of Fact and Conclusions of Law on the record, the original Department of State action of revoked and denied from 03/02/2007 has been modified and a restricted license is approved from 09/23/2008 through Indefinite.

**THE FOLLOWING RESTRICTIONS APPLY:**

**MAY DRIVE ONLY TO AND FROM PERSONS RESIDENCE AND PLACE OF EMPLOYMENT AND IN THE COURSE OF EMPLOYMENT; MAY DRIVE TO AND FROM SUBSTANCE ABUSE TREATMENT PROGRAM AND SUPPORT GROUP MEETINGS; MAY DRIVE TO/FROM EDUCATIONAL INSTITUTION; MAY DRIVE TO AND FROM MEDICAL APPOINTMENTS; ANY ALCOHOL/DRUG RELATED ACTIVITY; ORIGINAL ACTION TO BE REINSTATED. LICENSEE SHALL NOT CONSUME INTOXICANTS. 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; SAFETY BELT USE REQUIRED.#####**

**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**
- **FOLLOW BRANCH OFFICE PROCEDURES**



36, 39, 57, CU, 95, DC, DL, DN

*RC*

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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.

The following individuals were present for the hearing: Hearing Officer Harmon-Higgins, [REDACTED] and Attorney Jeffrey J. Randa.

Petitioner's driving record reveals two substance abuse driving convictions in 2005 and 2006. Petitioner was also ticketed for Person Under 21 Purchase/Consume/Possess Liquor in 1997. Petitioner is not currently on probation (discharged 02/13/2008) and does not have any pending legal matters.

[REDACTED] testified that she has been abstinent from alcohol since 10/03/2006. She said that she has used marijuana once in the past in approximately 1994. Petitioner said that she has not used any other illegal or illicit drugs in her lifetime.

Petitioner is currently attending AA meetings which she attends once or twice per week and has been attending for approximately two years. In addition, she has a sponsor ([REDACTED]) that she has been working with for one month. She provided attendance records to verify attendance to meetings and the records confirm attendance from 03/01/2006 until 03/29/2006 and 03/25/2007 until 09/18/2008. Moreover, in discussing the 12 steps of the program, she exhibited a good working knowledge of them. Petitioner said that in the future she plans to continue attending AA meetings indefinitely. She testified that she also attended outpatient treatment with [REDACTED] (letter provided) from October 2006 until March 2008. She also attended an 8 step program for one year from 2006 until 2007.

[REDACTED] presented a substance abuse evaluation performed by [REDACTED] dated 05/23/2008. The evaluation provided for a diagnosis of alcohol dependence in full sustained remission. The evaluation provides for a good prognosis and recommended that Petitioner continue attending AA meetings. Petitioner submitted two 10 panel drug and alcohol screens reported on 05/28/2008 and 02/27/2008 respectively which indicates negative results for all substances tested with the proper integrity checks present.

Petitioner also presented six testimonials from friends and co-workers, her pastor and her sponsor. All of the statements were consistent with Petitioner's testimony, particularly regarding her period of abstinence from alcohol and her attendance to AA meetings on a weekly basis.

In light of the history of habitual violation and the diagnosis of a recognized substance abuse disorder a restricted license is approved 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 she has the required ability and motivation to drive safely and within the law.

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

Rc

## 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.**
- 2) In order to obtain the restricted license, you must first get the interlock device installed in any vehicle you plan to operate. You will have to be driven to and from the installation center by a licensed driver and until the restricted license is issued.
- 3) After installation of the interlock device, return to a local branch office with proof of installation given you by the ignition interlock installer. If there are no other open licensing actions against you and you pass all required testing, then the branch office will issue you the restricted license.
- 4) Violations of the ***Ignition Interlock Program*** include the following:
  - A. ***MINOR*** violations will result in the issuance of a three month extension of the requirement to use the ignition interlock device and include any of the following:
    1. Three (3) start-up failures within a monitoring period.
    2. Failure to report to your installer within seven (7) days after your monitoring appointment.
  - B. ***MAJOR VIOLATIONS*** will result in a reinstatement of the original denial/revocation. These violations include:
    1. A rolling retest violation.
    2. An arrest for drinking and/or drugging and driving.
    3. A conviction for drinking and/or drugging and driving.
    4. Tampering with the breath machine.
    5. Three (3) minor violations within a monitoring period.
    6. Failure to re-install a breath machine within seven (7) days of removing it from your vehicle.

**IMPORTANT INFORMATION: Make sure you understand how to properly operate the interlock device. You will be responsible for any and all violations.** MCL 257.322(6)(a) requires