



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

## DRIVER LICENSE APPEAL

In the matter of:

Petitioner

License Number: [REDACTED]  
Hearing Date: April 17, 2009  
Case Number: [REDACTED]  
Hearing Officer: S Bandy

### ORDER/AUTHORIZATION

This administrative hearing is held at Petitioner's request pursuant to MCL 257.322 and 1999 MR9 R 257.301 *et seq.*

Following individuals were present for the hearing: Hearing Officer S Bandy, [REDACTED] Jeffrey Randa, Esq.

After considering the evidence submitted by Petitioner and any legal arguments, and based on the Findings of Fact and Conclusions of Law indicated on the record and in this order, the Hearing Officer finds the Petitioner has met the licensing requirements of the Department and satisfactorily rebutted the presumption of habitual violation as mandated by MCL 257.303(7)(b).

Petitioner presented testimony and supporting proofs indicating that he has maintained a period of long-term abstinence from alcohol use. According to Petitioner, his last alcohol consumption occurred in January 2003, over six years ago. Petitioner's abstinence was confirmed by his favorable testimonial letters and negative drug screen. In addition to the evidence of sobriety, Petitioner's proofs indicate that after the last offense he had completed substance abuse counseling, as well as attended AA support group meetings. Petitioner also submitted a favorable substance abuse evaluation that indicates his alcohol abuse disorder is in full sustained remission, with a good prognosis for continued abstinence.

Additionally, Petitioner has presented sufficient evidence to establish satisfactory compliance with the minimum one year ignition interlock requirement mandated by MCL 257.322(9). While there were three failed alcohol readings, within minutes Petitioner had substantially lower test results, supporting his claim that his use of mouthwash had caused the test failures. Another consideration with regard to the appeal is that Petitioner has now been on the Department approved restricted license for a period of almost three years, and during the period of restrictions he only had a 5 over speed violation that did not result in the addition of any points to his record. The record while on restriction is further support for license restoration.

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Therefore, Petitioner's appeal is **GRANTED** with full privileges effective 04/17/2009 and upon payment of the required reinstatement fee.


**PETITIONER MUST PRESENT THIS ORDER/AUTHORIZATION TO A SECRETARY OF STATE BRANCH OFFICE TO PAY THE REQUIRED REINSTATEMENT FEE(S) TO BE ISSUED FULL DRIVING PRIVILEGES. FOLLOW BRANCH OFFICE PROCEDURES.**

**CERTIFICATE OF MAILING**

I certify that I am eighteen years of age or older and that on this date, I or my agent, mailed a copy of the original Driver License Appeal Order to each party of record by first-class United States Mail at Lansing, Michigan as provided in the Michigan Vehicle Code (MCL 257.212).

April 24, 2009

Hearing Officer: S Bandy

  
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