



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: June 23, 2006

Hearing Officer: White-Simmons

ORDER/AUTHORIZATION

Based on the findings of Fact and Conclusions of Law below, the original Department of State action of Revoked/Denied from 09/14/2003 has been modified and a restricted license is approved from July 20, 2006 through Indefinite.

THE FOLLOWING RESTRICTIONS APPLY:

LICENSEE SHALL NOT CONSUME INTOXICANTS. ANY ALCOHOL/DRUG RELATED ACTIVITY; ORIGINAL ACTION TO BE REINSTATED. MAY DRIVE TO AND FROM RESIDENCE AND EMPLOYMENT, DURING EMPLOYMENT, TO TRTMENT AND/OR SUPPORT GROUP MTGS, TO REGULARLY SCHEDULED TRTMENT FOR SERIOUS MEDICAL CONDITION, TO PROBATION, COMMUNITY SERVICE AND SCHOOL, MUST CARRY PROOF OF DESTINATIONS AND HOURS, 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.#####
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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**
- **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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The following individuals were present for the hearing: Hearing Officer White-Simmons, Attorney Jeffrey Randa and (Petitioner's brother).

The Petitioner testified that he last consumed alcohol in November 2003 and last used cocaine in December 2003. He stated that he was caught violating his probation twice, when he tested positive. He was sent to jail for the violations. When he got out of jail he called a friend that he knew was in AA. The Petitioner attends two to three AA meetings a week, he has a sponsor and he demonstrated knowledge of the steps. The witness and testimonial letters corroborated the Petitioner's abstinence. A Substance Abuse Evaluation offered a diagnosis of alcohol dependence. There was no diagnosis related to cocaine, although it was referenced in the evaluation, as well as the use of other drugs. No remission status was provided, however the evaluator indicated the last use dates for both alcohol and cocaine. The evaluation indicated that with the Petitioner's "recommitment to attending AA, 2x weekly, and having a sponsor in AA, this therapist feels client's prognosis and outlook is excellent".

In light of the serious substance dependence diagnosis, 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 he/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.

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: