



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:



May 5, 2009



White-Simmons

ORDER/AUTHORIZATION

Based on the findings of Fact and Conclusions of Law, the original Department of State action of Revoked/Denied from 11/24/1999 has been modified and a restricted license is approved from May 8, 2009 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.#####

REQUIREMENTS:

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

- ALL TESTS REQUIRED. (TIP may be issued only for third party road testing.)
- MUST SHOW PROOF OF INSTALLATION OF IGNITION INTERLOCK SYSTEM
- FOLLOW BRANCH OFFICE PROCEDURES



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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 White-Simmons [REDACTED] and Attorney Jeffrey Randa.

The Petitioner testified that he last consumed alcohol on May 2, 2000, while he was on probation for his fourth drinking and driving offense. As a result of the probation violation the Petitioner was ordered in residential treatment at CPI, where he stayed for almost five months. The Petitioner currently attends AA meetings at least once a week and has had his current sponsor for four years. He stated that he has worked the steps. The Petitioner testified that he is convinced that he can no longer drink and he guessed that he would continue to attend AA for the rest of his life, being a sponsor for someone else one day. Testimonial letters corroborated the Petitioner's abstinence.

A Substance Abuse Evaluation was presented with a diagnosis of alcohol dependence in full, sustained remission. The prognosis for continued abstinence was rated as good and it was recommended that he continue with his current recovery lifestyle. The evaluation did not reference the Petitioner's use of marijuana or cocaine over 20 years ago. A 10 panel drug screen was negative for all substances, but contained a low creatinine level. Subsequent to the hearing the Petitioner presented another 10 panel drug screen, this one also negative for all substances and the creatinine level was within normal range.

In light of the serious substance dependence diagnosis, history of relapse and three or more substance related offenses, 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. The ignition interlock device is required when a restricted license is granted in this circumstance and is an added safety measure for the public.

Petitioner has advised this Hearing Officer that he/she does not intend to operate a vehicle owned by his/her employer during the course of employment (M.C.L. 257.322(8)).

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:

[REDACTED]

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