





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: May 12, 2009

Case Number: 

Hearing Officer: Harmon-Higgins

ORDER/AUTHORIZATION

Based on the findings of Fact and Conclusions of Law indicated herein, the original Department of State action of revoked and denied from 09/23/2007 has been modified and a restricted license is approved from 05/21/2009 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**

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.



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

V, J

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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 offenses (resulting in a conviction) in April 2004 and May 2007. Petitioner is not currently on probation (said he was discharged in January 2009) and does not have any pending legal matters.

[REDACTED] testified that he has been abstinent from alcohol since 05/20/2007. He said that he has never used any illegal or illicit drugs in his lifetime. In discussing his past offense he said that at the time of his first offense he was drinking at a basketball game. At the time of the second offense he was at a friend's housewarming party. In the time leading up to his first offense he said that he rarely consumed alcohol because at the time he was 20 years old. He said that he had consumed alcohol probably five times before the offense happened. Afterwards he said that he remained completely abstinent from alcohol for two years until 2006. Then between 2006 and his last offense in May 2007 he said that he probably consumed alcohol five or six additional times. Thus he said that he has consumed alcohol a total of ten or eleven times in his entire life.

Petitioner is currently attending AA meetings which he attends at least twice per month and has been attending since June 2007 but regularly since November 2008. He does not have a sponsor in the program. In discussing the 12 steps of the program, he exhibited a good working knowledge of them. Petitioner said that in the future he plans to continue attending AA meetings indefinitely.

[REDACTED] presented a substance abuse evaluation performed by [REDACTED] dated 03/19/2009. The evaluation provided for a diagnosis of alcohol abuse in full sustained remission. The evaluation provides for a good prognosis and recommended that Petitioner continue attending AA meetings. Petitioner submitted an 11 panel drug and alcohol screen reported on 03/25/2009 with the evaluation which indicates negative results for all substances tested with the proper integrity checks present.

Petitioner also presented five testimonials, however three of them were not dated and therefore given no evidentiary weight. The two remaining testimonials were sufficiently consistent with Petitioner's testimony, particularly regarding his period of abstinence from alcohol, his life and lifestyle changes as well as his attendance to AA meetings on a regular 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 he 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.

[REDACTED]

VJ