



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:

May 12, 2009

Case Number:

[REDACTED]

Hearing Officer:

White-Simmons

ORDER/AUTHORIZATION

Based on the findings of Fact and Conclusions of Law, the original Department of State action of Revoked/Denied from 09/30/2006 has been modified and a restricted license is approved from May 22, 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.#####
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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**
- **PETITIONER MUST PRESENT THIS FORM TO A SECRETARY OF STATE BRANCH OFFICE TO RENEW OPERATING PRIVILEGES WITH THE RESTRICTIONS LISTED**
- **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] attorney Jeffrey Randa and [REDACTED] (Petitioner's girlfriend).

The Petitioner testified that he last consumed alcohol on April 18, 2006, the date of his last drinking and driving offense. He is still on probation for this offense, which is scheduled to end in December 2009. In addition to not wanting to use alcohol again, the Petitioner stated that he is an insulin dependent diabetic, which would be impacted by any alcohol use. His abstinence was basically corroborated by his witness and testimonial letters. His witness shared her opinion that the Petitioner did not have an alcohol problem and that the Petitioner's three arrests for drinking and driving were simply bad luck. The Hearing Officer believes this to be an unfortunate opinion, which seems to be steeped in denial, nevertheless, the witness did corroborate abstinence. A Substance Abuse Evaluation was presented with a diagnosis of alcohol abuse in full, sustained remission, despite a score of 12 on the MAST indicative of alcohol dependence. The prognosis for continued abstinence was rated as good.

In light of three 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 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:

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 installation of a functioning interlock device that meets Department of State standards. Further, MCL 257.322 (9) REQUIRES the device to be actually installed in your vehicle for a minimum period of one full year. You will be required to present a FINAL REPORT prepared by the interlock vendor to prove you have driven on the interlock for a year and that you did so without alcohol in your body.

A vendor certified by the State of Michigan must install the BAIID (Breath Alcohol Ignition Interlock Device).



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