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

DRIVER LICENSE APPEAL

In the matter of:

Petitioner
[redacted]

License Number: [redacted]
Hearing Date: June 8, 2009
Case Number: [redacted]
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 06/08/2008 has been modified and a restricted license is approved from 06/08/2009 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.

[redacted]

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

Driver Assessment and Appeal Division
PO BOX 30196 • LANSING, MICHIGAN 48909-7696
1-888-SOS-MICH (1-888-767-6424)
www.Michigan.gov/sos

P.C (24)

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 January 2006 and March 2008. Petitioner is currently on non-reporting probation until July 2010, with an expected early release of July 2009. She does not have any other pending legal matters.

[redacted] testified that she has been abstinent from alcohol since 03/28/2008, the date of her last offense. She said that she has never used any illegal or illicit drugs in her lifetime. She explained that at the time of her first offense she was going through a divorce and some of her friends took her out to try and cheer her up and after drinking she drove home. At the time of the second offense she said that she had been at [redacted] where alcohol was served and when she left she got lost and got into an accident.

In discussing her past alcohol use she said that she did not begin drinking until her 20's. She said that she did not begin to regularly drink alcohol until her 40's. In the time leading up to her first offense she said that she drank an average of two to four times per week and would have an average of two drinks (no more than four). Following her first offense her drinking decreased and she said that she began to recognize that she had a drinking problem. She said that she attended AA meetings for four or five months but eventually stopped attending and began to drinking more often, approximately twice weekly until the time of her last offense when she quit.

This time, [redacted] quit drinking and made some lifestyle changes to support her abstinence. She said that she stopped going to the [redacted] she terminated friendships with "drinking buddies" and she changed her social activities. She said that after her second offense she attended AA meetings from July 2008 until January 2009 (attendance records provided) and also attended outpatient counseling for 2-3 months and both resources helped her understand that she cannot drink alcohol again in her life. She said that in the past it was common for her to use alcohol when problems arose. She now recognizes that alcohol does not help the problems and in fact makes them worse. Petitioner is not currently attending any substance abuse treatment, therapy or support groups. However, she said that the tools she gained from AA and treatment remain with her.

[redacted] presented a substance abuse evaluation performed by [redacted] dated 04/02/2009. The evaluation provided for a diagnosis of alcohol dependence in sustained full remission. The evaluation provides for a good prognosis and did not recommend a continuum of care for Petitioner. Petitioner submitted an 11 panel drug and alcohol screen reported on 04/04/2009 with the evaluation which indicates negative results for all substances tested with two integrity variables present.

[redacted]

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

P.

Petitioner also presented six notarized testimonials and five of them were consistent with Petitioner's testimony, particularly regarding her period of abstinence from alcohol, past AA meeting and treatment attendance along with her changed lifestyle.

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 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:

   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.

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

P.C