



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: 06/09/2009
 Case Number: [REDACTED]
 Hearing Officer: Odrobina

ORDER/AUTHORIZATION

Based on the findings of Fact and Conclusions of Law on the record and below, the original Department of State action of Revoked/Denied from 09/29/2007 has been modified and a restricted license is approved from 06/09/2009 through Indefinite.

THE FOLLOWING RESTRICTIONS APPLY:

LICENSEE SHALL NOT CONSUME INTOXICANTS. ANY ALCOHOL/DRUG RELATED ACTIVITY; ORIGINAL ACTION TO BE REINSTATED. ANY DRIVING WITHIN SPECIFIED HOURS: MAY DRIVE FROM 6:00AM TO 7:00PM; MAY DRIVE BEYOND DESIGNATED HOURS TO TRAVEL TO OR FROM EMPLOYMENT ONE HOUR BEFORE AND AFTER EMPLOYMENT SHIFT 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:

- **MUST SHOW PROOF OF INSTALLATION OF IGNITION INTERLOCK SYSTEM**
- **PETITIONER MUST PRESENT THIS ORDER/AUTHORIZATION TO A SECRETARY OF STATE BRANCH OFFICE TO OBTAIN OPERATING PRIVILEGES WITH THE RESTRICTIONS LISTED**
- **FOLLOW BRANCH OFFICE PROCEDURES**

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The following individuals were present for the hearing: Hearing Officer Odrobina,  and Jeffrey J Randa, Esq.

Petitioner has 2 convictions for Operated While Impaired by Liquor with arrest dates of 10/09/2005 and 07/20/2007. He testified that he has not consumed alcohol since 07/20/2007. The letters of support corroborate this assertion. The Substance Abuse Evaluation (SAE) indicates a diagnosis of Alcohol Abuse in full sustained remission with a good prognosis for continued abstinence. The evaluator recommends continued "current recovery lifestyle". Petitioner attended an alcohol education program and Alcoholics Anonymous (AA) in the past. A negative drug screen with an acceptable creatinine level was submitted. Petitioner testified that he abstained from alcohol while on probation for his first offense.

In light of the history of habitual violation, a relapse history 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.

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.

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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).

IGNITION INTERLOCK CERTIFIED VENDORS

**AMERICAN INTERLOCK
TOLL FREE 1-800-580-0504**

**MICHIGAN INTERLOCK
TOLL FREE 1-888-786-7384**

**SMART START MICHIGAN
TOLL FREE 1-888-234-0198**

**NATIONAL INTERLOCK SERVICE
TOLL FREE 1-888-294-7002**

**NEW HORIZON INTERLOCK
TOLL FREE 1-800-597-5054**

Should you meet federal poverty guidelines, you may be eligible for reduced costs associated with the use of this device. Ask your installer for more information.

REHEARING:

Petitioner is not eligible for another driver license appeal hearing until one year from the date of this hearing (R257.303 (9)). Requests for a hearing can be made 6 weeks prior to the eligibility date and must include the required documentation that is dated no more than 3 months before the date it is received by the department (R257.301 (6)).

REQUIREMENTS:

Petitioner should submit the following document(s) with his request for the next hearing:

- Current substance abuse evaluation prepared on the current Department form, prepared by qualified professional, that is complete and accurate [Petitioner will be responsible for any deficiencies in the evaluation or in discrepancies between the information in the substance abuse evaluation and other evidence presented, and should review it carefully before submitting it to the DAAD] ;**
- Community proofs to verify abstinence from alcohol, "non-alcoholic beer" and/or illegal drugs [at least 3 witnesses and/or recent letters {maximum of 6} that conform to the directions contained in Form DAAD-66 -- that are very specific about length of any abstinence and that are from a cross-section of the community {such as from work, family, friends, and support groups - they should not be just from AA or support group attendees}. Letters must be dated, signed and include writer's address and daytime phone number.];**
- Proof of compliance with all SAE recommendations.**
- Petitioner should also provide an original copy of laboratory results of a 10-panel urinalysis drug screen report, including readings for the integrity variables creatinine and specific gravity. [Petitioner should submit a normal urine specimen for testing between the date of receipt of the next Notice Of DAAD Hearing and the actual date of the hearing.]**
- If under any medical care or attending counseling, Petitioner should provide progress reports from caregivers. If any medications are prescribed, the reasons for them and the expected period that they will need to be taken should be specified. The report should indicate whether the medications are addictive or habit-forming and, if they are, that the prescribing doctor is aware of Petitioner's substance abuse problem. Any reports should address whether such medications pose any risk to ongoing recovery and whether the condition(s) and/or medication interfere with Petitioner's ability to drive safely.**
- Original Final Ignition Interlock Report. [Note: The Petitioner will be held responsible for any violations of the ignition interlock agreement. The Petitioner will be held responsible for any other person operating the ignition interlock device issued to the Petitioner. If this other person fails to comply with the ignition interlock agreement, the Petitioner will be held accountable. Therefore, a Petitioner should be very careful as to whom he entrusts the vehicle installed with his ignition interlock device.]**

CERTIFICATE OF MAILING

I certify that I am eighteen years of age or older and that on this date, I or my agent, mailed a copy of the original Driver License Appeal Order to each party of record by first-class United States Mail at Lansing, Michigan as provided in the Michigan Vehicle Code (MCL 257.212).

Date: June 15, 2009

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