

RESTRICTIONS LISTED

- 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.

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

Petitioner testified that he has not consumed alcohol since August 24, 2003. The letters of support corroborate this assertion. Petitioner also testified to no use of marijuana since 2001. 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 Alcoholics Anonymous (AA) attendance. Petitioner attended AA in the past but has not attended AA recently due to developing his own business. He had a sponsor who moved and then, passed away. He was able to articulate the program's steps. Sign-in sheets were submitted. A negative alcohol/drug screen with an acceptable creatinine level was submitted. Petitioner testified to a previous period of abstinence that lasted 6 months. Petitioner was uncertain whether he would remain in Florida or return to Michigan; that decision depended on the progress of his business.

In light of the history of habitual violation, the diagnosis of a recognized substance abuse disorder and a relapse history, 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.**

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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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