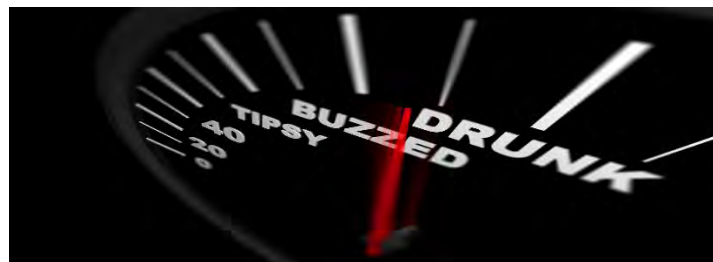




# DUI SERVICE PROVIDER ORIENTATION

DAY 3: HANDOUTS

## THE ADMINISTRATIVE HEARING PROCESS





# HEARING OFFICER CONSULTATION LIST



## Office of the Secretary of State DEPARTMENT OF ADMINISTRATIVE HEARINGS

Rm. 212, Howlett Building  
Springfield, IL 62756  
www.cyberdriveillinois.com

### YOU ARE ELIGIBLE TO APPLY FOR DRIVING RELIEF AT:

- Informal Hearing** — Conducted on a walk-in basis only.
- Formal Hearing** — Must submit a written request and \$50 filing fee at the desired hearing location to be scheduled.

### YOU WILL BE ELIGIBLE TO APPLY FOR:

- Restricted Driving Permit (RDP)  currently eligible  on or after \_\_\_\_\_ date

An RDP may be for: Employment, Medical, Educational, Support Group Attendance, Daycare, Family Education or Community Service purposes. You must establish an undue hardship when applicable.

- Reinstatement on or after \_\_\_\_\_ date. This is the earliest a hearing for full reinstatement of your driving privileges may be conducted.

### BE ADVISED THAT:

- No tickets can be pending at the time of any hearing.** (Unless the pending citation(s) is also the only cause of the current loss of driving privileges.)
- If you have been diagnosed with any of the following medical conditions, you must submit a current completed medical report:  
1) cardiovascular disease; 2) dizzy or fainting spells; 3) seizure disorder; 4) diabetes; 5) musculoskeletal condition; 6) mental disorder (i.e. bipolar, schizophrenia, clinical depression).

### PRIOR TO A HEARING YOU MUST OBTAIN DOCUMENTATION OF COMPLIANCE WITH THE FOLLOWING:

- Submit an Alcohol/Drug Uniform Report completed subsequent to your most recent DUI arrest and conducted by a DASA licensed agency.** The most recent evaluation must be completed within six months of the hearing date and must include a RECITATION OF YOUR COMPLETE ALCOHOL/DRUG USE HISTORY, FROM FIRST USE TO PRESENT USE. If the uniform report is older than six months at the time of the hearing, you must submit the original uniform report, along with the originals of all subsequent alcohol/drug evaluation report updates, the most recent being within six months of the hearing. **Only an agency that conducted an Alcohol/Drug Evaluation Uniform Report or the primary treatment provider may prepare an alcohol/drug report update.**

**The Alcohol/Drug Evaluation Uniform Report completed by your evaluator will place you in a classification.** The classification will determine what additional requirements, except continuing care, must be met before the hearing and properly documented. Refer to the Hearing Requirements handout.

Documentation of abstinence, non-problematic use, and support group involvement must be **original letters, signed and dated within 45 days of the hearing.** Refer to the Hearing Requirements handout. **Please maintain copies of all documentation for your records.**

Following your hearing your file will be sent through a review process and a decision will be mailed to you:

#### If an RDP is approved:

- If driver's license is revoked, provide proof of financial responsibility insurance (SR22).
- Provide current verification of Employment, Medical, Educational, Support Group Attendance, Daycare, Family Education, Community Service.
- Pay \$8 for each type of permit approved by check, money order or credit card.
- Comply with all BAIID requirements.
- Complete a written, driving and vision exam, if applicable.
- Additional comments: \_\_\_\_\_

#### If reinstatement is approved:

- Provide proof of financial responsibility insurance (SR22).
- Pay required reinstatement fees.
- Comply with all BAIID requirements.
- Additional Comments: \_\_\_\_\_
- Once all requirements are met, you will be sent an authorization to take to your local Driver Services facility.

#### If denied driving relief:

- Following an informal hearing, there is a minimum of **30 days** before another hearing can be conducted.
- Following a formal hearing, there is a minimum **three months** before another hearing can be conducted.

Hearing Officer \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

**ALCOHOL/DRUG-RELATED DRIVING, BOATING AND SNOWMOBILING OFFENSES**

Petitioner's Name: \_\_\_\_\_  
Effective Date of Suspension: \_\_\_\_\_  
Effective Date of Current Revocation: \_\_\_\_\_

Driver's License #: \_\_\_\_\_  
Termination Date of Suspension: \_\_\_\_\_  
Projected Eligibility Date: \_\_\_\_\_

	<b>Date of Arrest</b>	<b>Effective Date of Suspension/Disposition</b>
<b>Statutory Summary Suspension/ or Revocation (TA 17, 01)</b>	_____	_____
	_____	_____
	_____	_____
<b>DUI (11-501 and alcohol/drug- related 9-03 convictions)</b>	_____	_____
	_____	_____
	_____	_____
<b>DUI Court Supervision (6-117e, 55-11, 55-01)</b>	_____	_____
	_____	_____
<b>DUI Reduced to Reckless Driving (11-503)</b>	_____	_____
	_____	_____
<b>Illegal Transportation of Open Alcohol (11-502)</b>	_____	_____
	_____	_____
<b>Implied Consent Suspensions (03-11.501) (6-206(a)17)</b>	_____	_____
	_____	_____
<b>CT Order Do Not Suspend Breath test refusal (55-12, 13-08)</b>	_____	_____
	_____	_____
<b>Miscellaneous Alcohol-Related Offenses (ZT, 6-20, 6-16, 6-206(a)31 Rescind of SSS (indicate date rescinded), 6-205(a)3 and 6-206(a)28 if drug-related, Boating and Snowmobiling)</b>	_____	_____
	_____	_____
<b>Alcohol/Drug-Related Accidents: Date/Type (14-Property damage, 19-Personal injury 16-Fatality)</b>	_____	_____
	_____	_____

**Out-of-state alcohol/drug-related arrests(s) reported by petitioner that are not reflected on the petitioner's Illinois Driving Record:** (List state of arrest, type of offense, date of arrest, final disposition, state license petitioner possessed at time of arrest(s)/offense.)

\_\_\_\_\_  
\_\_\_\_\_

**Hearing Officer's/Other Comments:** \_\_\_\_\_  
\_\_\_\_\_





HEARING REQUIREMENTS

The rules of the Secretary of State Department of Administrative Hearings require that certain documentation be presented at the time of a hearing to be considered for driving relief (Restricted Driving Permit (RDP) and/or Reinstatement). These documents are required regardless of when the DUI(s) occurred.

This form may be used as a guide to help you prepare for your upcoming hearing. It is important to be fully prepared for your hearing, as a continuance will not be granted if you do not have the proper documentation. Also note that you must have NO TRAFFIC TICKETS pending at the time of your hearing, unless the pending ticket also is the only cause of the current loss of driving privileges.

GENERAL DOCUMENTATION REQUIREMENTS

You must submit an Alcohol/Drug Evaluation Uniform Report, completed subsequent to your most recent DUI arrest by an agency licensed by the Division of Alcoholism and Substance Abuse (DASA). THIS REPORT MUST INCLUDE A RECITATION OF YOUR COMPLETE ALCOHOL/DRUG USE HISTORY, FROM FIRST USE TO PRESENT USE. If your Uniform Report evaluation or the last updated evaluation is more than six months old at the time of your hearing, you also must submit a current updated evaluation. An updated evaluation must be completed by the agency that completed your Alcohol/Drug Evaluation Uniform Report or by the agency that completed your treatment. An updated evaluation cannot be completed by the agency that completed the moderate (early intervention) counseling. A treatment provider may not conduct an update evaluation if it waives treatment, unless the provider verifies in writing that the petitioner's case file has been transferred.

The petitioner must provide a Treatment Needs Assessment whenever another Uniform Report is composed, regardless of whether the petitioner successfully completed intervention or treatment after the previous Uniform Report. The Treatment Needs Assessment shall be composed on the treatment provider's letterhead stationery. The Assessment must be signed and dated by the counselor responsible for the assessment or incorporated into the "Treatment Verification" form.

The uniform report will place you at a specific classification level. Depending on the classification level, you must comply with additional requirements as explained below. Completion of the DUI Risk Education Course must occur after the last DUI arrest date. The requirement of the Risk Education Course cannot be waived, unless for some reason you completed inpatient treatment or 75 hours of treatment for chemical dependency.

PLEASE REFER TO YOUR CLASSIFICATION LEVEL BELOW FOR COMPLETE REQUIREMENTS.

Minimal Risk

- Must document successful completion of a DUI Risk Education Course.

Moderate Risk

- Must document successful completion of a DUI Risk Education Course.
- Must document successful completion of an Early Intervention Program on the providing agency's letterhead indicating the number of hours completed, dates of involvement, a summary of what was explored/addressed and the outcome of your involvement.
- Must document successful completion of any other substance abuse treatment recommended by a licensed evaluator or treatment provider.



## Significant Risk

- Must document successful completion of a DUI Risk Education Course.
  - Must document on an original Secretary of State Treatment Verification form successful completion of any substance abuse treatment recommended by a licensed evaluator or treatment provider, including:
    - Copy of the **Individualized Treatment Plan**.
    - Copy of **Discharge Summary**.
    - Copy of **Continuing Care Plan**.
    - Original **Continuing Care Status Report**.
  - If no treatment provided, must submit a treatment waiver prepared on the providing agency's letterhead.
- 

## High Risk - Dependent

- Must document on an original Secretary of State Treatment Verification form successful completion of any substance abuse treatment recommended by a licensed evaluator or treatment provider, including:
    - Copy of **Individualized Treatment Plan**.
    - Copy of **Discharge Summary**.
    - Copy of **Continuing Care Plan**.
    - Original **Continuing Care Status Report**.
  - If no treatment provided, must submit a treatment waiver prepared on the providing agency's letterhead.
  - Must document complete abstinence from the use of all alcoholic beverages and controlled substances (drugs) by submitting at least three original letters, signed and dated within 45 days prior to your hearing, from individuals (friends, family, etc.) who can verify your abstinence from alcohol/drugs for at least 12 months if seeking reinstatement, but no less than six months for a Restricted Driving Permit. (Witness testimony is acceptable instead of letters.)
  - Must document the establishment of a support/recovery program (Alcoholics Anonymous, church, etc.) by submitting: (Witness testimony is acceptable instead of letters.)
    - At least three original letters, signed and dated within 45 days prior to your hearing, from fellow members/participants, verifying your active involvement in your support program.
    - If you have a support recovery program sponsor, must submit an original letter from your sponsor documenting your active involvement in your support program, signed and dated within 45 days prior to your hearing.
- 

## High Risk — Non-Dependent

- Must document on an original Secretary of State Treatment Verification form, successful completion of any substance abuse treatment recommended by a licensed evaluator or treatment provider, including:
  - Copy of **Individualized Treatment Plan**.
  - Copy of **Discharge Summary**.
  - Copy of **Continuing Care Plan**.
  - Original **Continuing Care Status Report**.
- If no treatment provided, must submit a treatment waiver prepared on the providing agency's letterhead.
- Must submit at least three original letters, signed and dated within 45 days prior to the hearing, from individuals (friends, family, etc.) who can verify either your alcohol/drug use pattern or abstinence for at least the last 12 months if seeking reinstatement, but no less than six months for a Restricted Driving Permit. (Witness testimony is acceptable instead of letters.)
- Must submit an additional report from the treatment provider explaining why dependency was ruled out and the cause of your behavior that resulted in three or more DUI dispositions. **This requirement cannot be waived.**

**Any questions regarding these requirements should be directed to a hearing officer at a Secretary of State Driver Services facility, or call 217-782-7065. Information also is available at [www.cyberdriveillinois.com](http://www.cyberdriveillinois.com).**



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OFFICE OF THE SECRETARY OF STATE

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**JESSE WHITE • Secretary of State**

Dear Petitioner:

Please be advised that the National Driver Registry is showing that your driving privileges in the State of Kentucky are currently revoked, suspended or refused in that state under driver's license number W12297416. Please contact that state, using the information enclosed, to clear your record in that state. You must do this prior to your visit to the facility in Illinois to have your driver's license issued. If you do not get this resolved prior to visiting our facility, they will not be able to assist you until the National Driver Registry has been cleared in that state.

Department of Administrative Hearings  
Support Services  
501 South 2<sup>nd</sup> Street  
2<sup>nd</sup> Floor, Room 212 Howlett Building  
Springfield, IL 62756





## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE Secretary of State

April 25, 2014

DAVENPORT, IA 52802

RE: M

Dear Petitioner:

On March 18, 2014 you completed an application for driving relief and an informal hearing was held. Your application has been reviewed and is denied for the following reason(s):

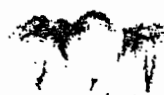
- \* Please do NOT discard this letter. You will be required to submit this letter at your next hearing. Failure to retain a copy will delay any future application for driving relief. It is suggested that you retain a copy of any and all documents submitted to the Secretary of State in support of your application for driving relief.
- \* The Mortimer Filkins score of 56 and .15 BAC reading is inconsistent with your history of use prior to the DUI and may suggest minimization.
- \* You continued to drink to intoxication after completing treatment. Therefore, you will need to submit a letter from your treatment provider waiving additional treatment or in the alternative proof of completion of any recommended treatment. If treatment is waived, a rationale should be provided detailing the reasons it is appropriate to waive further treatment. You may have another informal hearing thirty (30) days after the date of your last informal hearing. At that hearing, in order to be considered for relief, you are required to submit to the informal hearing officer the following documents, at a minimum:
  1. Your original alcohol/drug uniform report;
  2. If your most recent alcohol/drug evaluation is older than six months at the time of your next hearing, a current updated alcohol/drug evaluation completed within six months. The agency that completed your uniform report or your primary treatment can prepare an update evaluation;
  3. This denial letter;
  4. A written response from the evaluator and/or treatment provider addressing the alcohol/drug related issues stated above;
  5. If you were previously required to submit letters documenting abstinence and support program involvement, you must submit new letters. These letters must be dated and signed within 45 days of the new hearing.You may also submit any other letters or documents you feel necessary for your particular case.

Any sanction(s) currently in effect against your driving privileges in any other jurisdiction might delay or prohibit the issuance of an Illinois driver's license. Therefore, any sanction is your responsibility to clear prior to your next hearing. If however, you are not eligible for clearance/reinstatement in the other jurisdiction(s), you will not be eligible for the issuance of an Illinois driver's license until the eligibility date in the other jurisdiction has passed. You would, however, remain eligible to apply for a restricted driving permit. You should obtain from the other jurisdiction the eligibility date prior to your next hearing.

Department of Administrative Hearings  
Support Services  
Howlett Building Room 212  
Springfield, IL 62756

JW: RP

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## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE Secretary of State

March 07, 2014

[REDACTED]  
SPRINGFIELD, IL 62704

RE: [REDACTED]

Dear Petitioner:

On January 22, 2014 you completed an application for driving relief and an informal hearing was held. Your application has been reviewed and is denied for the following reason(s):

- \* Please do NOT discard this letter. You will be required to submit this letter at your next hearing. Failure to retain a copy will delay any future application for driving relief. It is suggested that you retain a copy of any and all documents submitted to the Secretary of State in support of your application for driving relief.
- \* Your statement to the hearing officer that you have never had a problem with alcohol/drugs is inconsistent with your Significant Risk classification. Additionally, it raises the question of what, if any, benefit you derived from your treatment experience, and if additional treatment is necessary.
- \* You will need to submit a Medical Report regarding any medical condition(s), diagnosis, and/or prescribed medication(s). The Medical Report must include an opinion from your physician as to whether you are medically fit to safely operate a motor vehicle.
- \* At the hearing, you acknowledged no symptoms/indicators of alcohol abuse/dependency despite decreased tolerance and being classified significant risk. Your lack of symptoms/indicators is inconsistent with your classification. Your inability to disclose any problems associated with your alcohol/drug use raises questions concerning what you gained from your treatment experience and if additional treatment is necessary.
- \* There is a lack of information in your alcohol/drug evaluation regarding your most recent DUI arrest. This makes it impossible to adequately determine the nature and extent of your use/abuse of alcohol/drugs.

\* Your reported consumption prior to your DUI arrests is inconsistent with having been arrested on 3 occasions for DUI.

\*Subsequent to the hearing, during a routine check of the petitioner's driving record on the federal National Driver Register "Problem Driver Pointer System" (PDPS), it was discovered that the petitioner has a withdrawal(s) of privilege for a Failure to Appear suspension(s) in another state, and that his/her driving privileges are currently revoked, suspended or refused in that state, to wit: North Carolina under license number 29832678 with a withdrawal date of 12/28/1997 and 05/10/1998 and 01/01/1999. You must satisfy this suspension prior to a hearing. Once satisfied, you must furnish this department with a certified driving abstract and/or proof of payment from that state. The certified driving abstract and/or proof of payment must be submitted at your next informal hearing. Please note, if the suspension is not showing satisfied and cleared on PDPS, your request for driving relief could be denied again regardless of the proof submitted.

In addition, the petitioner completed an "Application for Driving Relief" form on the date of the informal hearing, upon which the petitioner stated that his/her driving privileges are not revoked, suspended or refused in any other state. Per PDPS, the petitioner's driving privileges are suspended, revoked or refused in another state.

You may have another informal hearing thirty (30) days after the date of your last informal hearing. At that hearing, in order to be considered for relief, you are required to submit to the informal hearing officer the following documents, at a minimum:

1. Your original alcohol/drug uniform report;
2. If your most recent alcohol/drug evaluation is older than six months at the time of your next hearing, a current updated alcohol/drug evaluation completed within six months. The agency that completed your uniform report or your primary treatment can prepare an update evaluation;
3. This denial letter;
4. A written response from the evaluator and/or treatment provider addressing the alcohol/drug related issues stated above;
5. If you were previously required to submit letters documenting abstinence and support program involvement, you must submit new letters. These letters must be dated and signed within 45 days of the new hearing.

You may also submit any other letters or documents you feel necessary for your particular case.

Any sanction(s) currently in effect against your driving privileges in any other jurisdiction might delay or prohibit the issuance of an Illinois driver's license. Therefore, any sanction is your responsibility to clear prior to your next hearing. If however, you are not eligible for clearance/reinstatement in the other jurisdiction(s), you will not be eligible for the issuance of an Illinois driver's license until the eligibility date in the other jurisdiction has passed. You would, however, remain eligible to apply for a restricted driving permit. You should obtain from the other jurisdiction the eligibility date prior to your next hearing.

Department of Administrative Hearings  
Support Services  
Howlett Building Room 212  
Springfield, IL 62756

JW: RP



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE Secretary of State

March 10, 2014

[REDACTED]  
CALUMET PARK, IL 60827

RE: [REDACTED]

Dear Petitioner:

On January 08, 2014 you completed an application for driving relief and an informal hearing was held. Your application has been reviewed and is denied for the following reason(s):

- \* Please do NOT discard this letter. You will be required to submit this letter at your next hearing. Failure to retain a copy will delay any future application for driving relief. It is suggested that you retain a copy of any and all documents submitted to the Secretary of State in support of your application for driving relief.
- \* Your alcohol use history is unclear. At the hearing you said 12 months before the DUI you consumed a 6-pack of beer daily and you last drank in Sept. 1999. This testimony is inconsistent with the information provided by your evaluator.
- \* You stated at the hearing you do not consider yourself alcohol/chemical dependent. This is inconsistent with a High Risk, Dependent classification and raises the question of what, if any, benefit you derived from your treatment experience and if additional treatment is necessary.
- \* You said you believed you abused alcohol on the date of the DUI arrest.
- \* Your original evaluation dated 10-14-99 was completed by Lenard Lenell & Associates and treatment was done at Project C.O.A.T. The update of 9-20-13 is unacceptable as it was not done by either your original evaluator or your treatment provider.
- \* Your abstinence and support letters are unacceptable as they are not dated.

You may have another informal hearing thirty (30) days after the date of your last informal hearing. At that hearing, in order to be considered for relief, you are required to submit to the informal hearing officer the following documents, at a minimum:

1. Your original alcohol/drug uniform report;
  2. If your most recent alcohol/drug evaluation is older than six months at the time of your next hearing, a current updated alcohol/drug evaluation completed within six months. The agency that completed your uniform report or your primary treatment can prepare an update evaluation;
  3. This denial letter;
  4. A written response from the evaluator and/or treatment provider addressing the alcohol/drug related issues stated above;
  5. If you were previously required to submit letters documenting abstinence and support program involvement, you must submit new letters. These letters must be dated and signed within 45 days of the new hearing.
- You may also submit any other letters or documents you feel necessary for your particular case.

Any sanction(s) currently in effect against your driving privileges in any other jurisdiction might delay or prohibit the issuance of an Illinois driver's license. Therefore, any sanction is your responsibility to clear prior to your next hearing. If however, you are not eligible for clearance/reinstatement in the other jurisdiction(s), you will not be eligible for the issuance of an Illinois driver's license until the eligibility date in the other jurisdiction has passed. You would, however, remain eligible to apply for a restricted driving permit. You should obtain from the other jurisdiction the eligibility date prior to your next hearing.

Department of Administrative Hearings  
Support Services  
Howlett Building Room 212  
Springfield, IL 62756

JW: RP



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE Secretary of State

March 10, 2014

[REDACTED]  
SPRINGFIELD, IL 62704

RE: [REDACTED]

Dear Petitioner:

On January 28, 2014 you completed an application for driving relief and an informal hearing was held. Your application has been reviewed and is denied for the following reason(s):

- \* Please do NOT discard this letter. You will be required to submit this letter at your next hearing. Failure to retain a copy will delay any future application for driving relief. It is suggested that you retain a copy of any and all documents submitted to the Secretary of State in support of your application for driving relief.
- \* You stated at the hearing you consider yourself alcoholic/chemical dependent. This is inconsistent with your Moderate Risk classification and must be addressed by the evaluator.
- \* You acknowledged experiencing tolerance in the year before the DUI arrest. This was not addressed by your evaluator.

\*Be advised that you can only apply for reinstatement through an informal hearing because you were revoked for the DUI while driving on an MDDP. If a permit is considered the more appropriate relief, you will need to apply through a formal hearing.

You may have another informal hearing thirty (30) days after the date of your last informal hearing. At that hearing, in order to be considered for relief, you are required to submit to the informal hearing officer the following documents, at a minimum:

1. Your original alcohol/drug uniform report;
2. If your most recent alcohol/drug evaluation is older than six months at the time of your next hearing, a current updated alcohol/drug evaluation completed within six months. The agency that completed your uniform report or your primary treatment can prepare an update evaluation;
3. This denial letter;
4. A written response from the evaluator and/or treatment provider addressing the alcohol/drug related issues stated above;
5. If you were previously required to submit letters documenting abstinence and support program involvement, you must submit new letters. These letters must be dated and signed within 45 days of the new hearing.

You may also submit any other letters or documents you feel necessary for your particular case.

Any sanction(s) currently in effect against your driving privileges in any other jurisdiction might delay or prohibit the issuance of an Illinois driver's license. Therefore, any sanction is your responsibility to clear prior to your next hearing. If however, you are not eligible for clearance/reinstatement in the other jurisdiction(s), you will not be eligible for the issuance of an Illinois driver's license until the eligibility date in the other jurisdiction has passed. You would, however, remain eligible to apply for a restricted driving permit. You should obtain from the other jurisdiction the eligibility date prior to your next hearing.

Department of Administrative Hearings  
Support Services  
Howlett Building Room 212  
Springfield, IL 62756

JW: RP  
cc: KEN GRAVES  
Attorney at Law





## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE Secretary of State

June 17, 2014



STREAMWOOD, IL 60107

RE: C [REDACTED]

Dear Petitioner:

On April 28, 2014 you completed an application for driving relief and an informal hearing was held. Your application has been reviewed and is denied for the following reason(s):

- \* Please do NOT discard this letter. You will be required to submit this letter at your next hearing. Failure to retain a copy will delay any future application for driving relief. It is suggested that you retain a copy of any and all documents submitted to the Secretary of State in support of your application for driving relief.
- \* At the hearing you stated that your typical pattern of alcohol consumption for the 12 months prior to your last DUI arrest was 4-6 beers 2 times per month and after the arrest you stopped drinking beer. You currently consume 1 glass of wine on special occasions with the latest being January 2014. This testimony is inconsistent with your uniform report.
- \* At the hearing you testified that you did not experience tolerance to alcohol. This is inconsistent with your alcohol/drug uniform report.

\* You testified at the hearing that you have not read the alcohol/drug uniform report and that the information within the uniform report has never been explained to you. This must be addressed with your evaluator prior to your next hearing. You may have another informal hearing thirty (30) days after the date of your last informal hearing. At that hearing, in order to be considered for relief, you are required to submit to the informal hearing officer the following documents, at a minimum:

1. Your original alcohol/drug uniform report;
  2. If your most recent alcohol/drug evaluation is older than six months at the time of your next hearing, a current updated alcohol/drug evaluation completed within six months. The agency that completed your uniform report or your primary treatment can prepare an update evaluation;
  3. This denial letter;
  4. A written response from the evaluator and/or treatment provider addressing the alcohol/drug related issues stated above;
  5. If you were previously required to submit letters documenting abstinence and support program involvement, you must submit new letters. These letters must be dated and signed within 45 days of the new hearing.
- You may also submit any other letters or documents you feel necessary for your particular case.

Any sanction(s) currently in effect against your driving privileges in any other jurisdiction might delay or prohibit the issuance of an Illinois driver's license. Therefore, any sanction is your responsibility to clear prior to your next hearing. If however, you are not eligible for clearance/reinstatement in the other jurisdiction(s), you will not be eligible for the issuance of an Illinois driver's license until the eligibility date in the other jurisdiction has passed. You would, however, remain eligible to apply for a restricted driving permit. You should obtain from the other jurisdiction the eligibility date prior to your next hearing.

Department of Administrative Hearings  
Support Services  
Howlett Building Room 212  
Springfield, IL 62756

JW: RP



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE Secretary of State

March 20, 2014

[REDACTED]  
SHOREWOOD, IL 60404

RE: G [REDACTED]

Dear Petitioner:

On February 07, 2014 you completed an application for driving relief and an informal hearing was held. Your application has been reviewed and is denied for the following reason(s):

- \* Please do NOT discard this letter. You will be required to submit this letter at your next hearing. Failure to retain a copy will delay any future application for driving relief. It is suggested that you retain a copy of any and all documents submitted to the Secretary of State in support of your application for driving relief.
- \* Your reported .16 BAC reading at the time of your DUI arrest(s) indicated the significant likelihood that substantially more alcohol was consumed on that occasion than you have acknowledged. It further suggests a greater tolerance than would normally be expected considering the description of your alcohol use history. A possible high tolerance is additionally indicated by your report of not feeling the effects of the alcohol when arrested. Until these issues are resolved, it is not possible to clearly understand the nature and extent of your use/abuse of alcohol/drugs.
- \* Your Uniform Report is incomplete as it contains no chronological history.

You may have another informal hearing thirty (30) days after the date of your last informal hearing. At that hearing, in order to be considered for relief, you are required to submit to the informal hearing officer the following documents, at a minimum:

1. Your original alcohol/drug uniform report;
2. If your most recent alcohol/drug evaluation is older than six months at the time of your next hearing, a current updated alcohol/drug evaluation completed within six months. The agency that completed your uniform report or your primary treatment can prepare an update evaluation;
3. This denial letter;
4. A written response from the evaluator and/or treatment provider addressing the alcohol/drug related issues stated above;
5. If you were previously required to submit letters documenting abstinence and support program involvement, you must submit new letters. These letters must be dated and signed within 45 days of the new hearing.

You may also submit any other letters or documents you feel necessary for your particular case.

Any sanction(s) currently in effect against your driving privileges in any other jurisdiction might delay or prohibit the issuance of an Illinois driver's license. Therefore, any sanction is your responsibility to clear prior to your next hearing. If however, you are not eligible for clearance/reinstatement in the other jurisdiction(s), you will not be eligible for the issuance of an Illinois driver's license until the eligibility date in the other jurisdiction has passed. You would, however, remain eligible to apply for a restricted driving permit. You should obtain from the other jurisdiction the eligibility date prior to your next hearing.

Department of Administrative Hearings  
Support Services  
Howlett Building Room 212  
Springfield, IL 62756

JW: RP



Office of the  
Secretary of State  
**DEPARTMENT OF  
ADMINISTRATIVE HEARINGS**

Rm. 212, Howlett Building  
Springfield, IL 62756  
[www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)

# FORMAL HEARING REQUEST

Date: \_\_\_\_\_

I hereby request a Formal Hearing pursuant to Section 2-118 of the Illinois Vehicle Code. Enclosed is the **\$50 filing fee** (see back for fee information). The purpose of the hearing is to allow me to:

- Contest the suspension, revocation or cancellation action of the Secretary of State.
- Apply for a Restricted Driving Permit (RDP).
- Apply for reinstatement of driving privileges.
- Alternatively, apply for reinstatement or an RDP.
- Contest the re-suspension or extension of the statutory summary suspension under the Monitoring Device Driving Permit (MDDP) Program.
- Other: \_\_\_\_\_

Name		Driver's License Number	
Address			City
State	County		ZIP Code
Telephone (Home) (    )		(Work) (    )	(Cell) (    )
Date of Birth		Email Address	

Please check below and mail this form to the location where you would like a formal hearing:

- |                                  |   |                                       |   |
|----------------------------------|---|---------------------------------------|---|
| <input type="checkbox"/> Chicago | Office of the Secretary of State<br>Administrative Hearings Department<br>17 N. State St., Ste. 1200, 60602<br>312-793-3722 | <input type="checkbox"/> Springfield  | Office of the Secretary of State<br>Administrative Hearings Department<br>Rm. 212 Howlett Building, 62756<br>217-782-7065 |
| <input type="checkbox"/> Joliet  | Office of the Secretary of State<br>Administrative Hearings Department<br>54 N. Ottawa St., 4th Fl., 60432<br>815-740-7171  | <input type="checkbox"/> Mount Vernon | Office of the Secretary of State<br>Administrative Hearings Department<br>218 S. 12th St., 62864<br>618-242-8986          |

Please indicate preference:  a.m.  p.m. Number of miles from home to hearing location: \_\_\_\_\_  
Requests are scheduled based on availability. Your preference is not guaranteed.

All out-of-state petitioners and Illinois residents who are temporarily residing outside Illinois may apply for reinstatement in Illinois by obtaining, completing and submitting an Out-of-State Hearing Application instead of returning to Illinois for a formal hearing. For information on obtaining the application, please call 217-785-8227 or visit [www.cyberdriveillinois.com](http://www.cyberdriveillinois.com).

If you reside within 30 miles of the Illinois border or if you frequently visit Illinois, you must attend a formal hearing at one of the hearing locations above and submit the completed application. For more information on this requirement, please call 217-782-3943.

Petitioner's signature: \_\_\_\_\_



10/7



GLENWOOD, IL 60425

DL NO: H [REDACTED]  
CASE NO: [REDACTED]

The attached order is entered on this 07th day of July, 2014.

The Order is final and subject to appeal within 35 days under the Administrative Review Law. Said appeal should be filed in the Circuit Court of either Cook, Jefferson or Sangamon counties.

A handwritten signature in cursive script that reads "Jesse White".

---

Jesse White  
Secretary of State  
State of Illinois

Mailing Certificate

This document and the documents attached hereto, were deposited with proper postage affixed, in the United States Mail Box located on the ground floor of the Howlett Building, Springfield, Illinois 62756 at 2:00 pm on July 07, 2014, pursuant to Section 6-211(c) of the Illinois Vehicle Code.



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

July 07, 2014

[REDACTED]  
GLENWOOD, IL 60425

RE: H [REDACTED]

Dear Petitioner:

Your request for a Restricted Driving Permit has been approved and will be issued upon completion of any and all requirements.

You may NOT legally operate a motor vehicle until you have received your Restricted Driving Permit.

You must meet all the necessary requirements enclosed. We are allowing you 60 days to complete all of the requirements listed in the attachment. Your failure to comply with all the requirements within the time period indicated will result in the denial of your application. When you have completed and submitted all of the requirements enclosed, this Office will send you the Restricted Driving Permit.

After you receive the Restricted Driving Permit, you must have a Breath Alcohol Ignition Interlock Device (BAIID) installed by an approved Service Provider, in any motor vehicle you operate, within *14 days* of the RDP effective date shown on your permit. Along with your RDP, you will receive a listing of approved Service Providers.

Any permit issued to you will be cancelled if you do not have the BAIID installed or if it is removed without this Office's authorization.

NOTE: THE SECRETARY OF STATE HAS NO INVOLVEMENT IN THE CONTRACTUAL ARRANGEMENT BETWEEN YOU, THE BAIID RDP HOLDER AND THE BAIID PROVIDER. IT IS YOUR RESPONSIBILITY AS THE BAIID RDP HOLDER TO UNDERSTAND ALL OF THE TERMS OF ANY AGREEMENT BETWEEN THE BAIID PROVIDER AND YOURSELF. SHOULD ANY CONFLICT OCCUR BETWEEN INFORMATION PROVIDED BY THE BAIID PROVIDER AND THE INFORMATION CONTAINED HEREIN, THE LANGUAGE CONTAINED IN THIS DOCUMENT WILL PREVAIL.

Please be advised that a petitioner who is driving on a restricted driving permit (RDP) at the time of his/her hearing will not be considered for reinstatement of driving privileges, regardless of the petitioner's date of eligibility for reinstatement, unless he/she has successfully completed driving on that permit for 75% of its length, or has driven continuously on the current permit and a previously issued permit for a total of at least 9 months at the time that the petitioner becomes eligible for the reinstatement.

Department of Administrative Hearings  
Support Services Division  
Room 212, Howlett Building  
Springfield, Illinois 62756

cc: JOHN M. QUINN Attorney At Law



JESSE WHITE  
SECRETARY OF STATE  
STATE OF ILLINOIS

IN THE MATTER OF THE REVOCATION OF THE  
DRIVER'S LICENSE AND DRIVING PRIVILEGES  
OF [REDACTED]  
DRIVER'S LICENSE NUMBER: H [REDACTED]

FILE NO [REDACTED]

ORDER

WHEREAS, the Findings of Fact, Conclusions of Law, and Recommendations of the Hearing Officer, MARY T. SKERRETT in the above captioned case have been read and examined; and,

WHEREAS, the record has been reviewed; and,

WHEREAS, the Findings of Fact and Conclusions of Law are correct and are hereby adopted as the Findings of Fact and Conclusions of Law of the Secretary of State ("Secretary"); and,

WHEREAS, the rulings of the Hearing Officer on the admission of evidence and all motions were correct and are hereby concurred in by the Secretary; and,

WHEREAS, the Secretary adopts the recommendations of the Hearing Officer;

NOW THEREFORE, IT IS HEREBY ORDERED: That pursuant to the Findings of Fact, Conclusions of Law, and the Recommendations of the Hearing Officer, the petition for the reinstatement of full driving privileges is hereby DENIED; however, the petition for issuance of a Restricted Driving Permit ("RDP") for: employment purposes for driving to and from work and/or while performing job related duties for his primary employer, [REDACTED], Wheeling, IL 60660 is hereby GRANTED; days, hours and other conditions of which are to be established by verification.

All driving relief is conditioned upon receipt and acceptance of a **Medical Report Form** by the Medical Review Unit. The Petitioner will receive a Medical Report Form and post hearing instructions by the Secretary of State's Office as to when the report should be submitted.

Any permit issued under this Order shall expire no later than (12) months from the date of the issuance of the first permit under this Order. Additionally, this Order is based upon the Petitioner's driving record at the time of this hearing and it is subject to the subsequent receipt of any report of conviction or other notice that would result in the loss of driving privileges making the Petitioner ineligible for the relief granted.

This Order is not to be construed as an authorization to operate a motor vehicle. Petitioner must meet any and all requirements of the Office of the Secretary as well as all of the terms and conditions of the **Breath Alcohol Ignition Interlock Device Program**, and be in receipt of said RDP, prior to the operation of any motor vehicle.



reported no circumstances which otherwise would have precluded the Petitioner from proceeding with the hearing. It also reflects the Petitioner's Non-Visa Status [NVS] and/or Visa Status [VS] at the time of the Hearing. Finally, Secretary's Exhibit #5 is the PDPS History/Status Response, obtained at the time of the scheduling of the hearing, the results of which are identified below in Finding of Fact #5.

4. An Order revoking Petitioner's driver's license and driving privileges was entered effective **June 26, 2011** pursuant to IVC §6-205(a)2, due to a conviction for operating a motor vehicle with a BAC over the legal limit.

An Order summarily suspending Petitioner's driver's license and driving privileges was entered effective **December 11, 2010** pursuant to IVC §11-501.1, after he failed or refused a chemical test.

5. Petitioner has three arrests for driving under the influence ("DUI"). The certified record, the PDPS and/or alcohol and drug evaluations contained in the file disclose the arrests of **October 26, 2010 (BAC 0.17), October 28, 2007 (BAC 0.16) and May 10, 1986 (BAC 0.14)**. (Secretary of State's Exhibits #3 & 5)

Petitioner's last arrest for DUI occurred on **October 26, 2010**. Petitioner testified that prior to said arrest he consumed 12 to 14 beers in 4 hours. He was stopped for improper lane usage. Petitioner weighed 190 pounds. He admits being intoxicated. Petitioner took and failed a chemical test, registering a 0.17 BAC.

Petitioner's second arrest for DUI occurred on **October 28, 2007**. Petitioner testified that prior to said arrest he consumed 12 to 14 beers in 4 hours. He was stopped for improper lane usage. Petitioner weighed 185 pounds. He admits being intoxicated. Petitioner took and failed a chemical test, registering a 0.16 BAC.

Petitioner's first arrest for DUI occurred in the State of Oklahoma on **May 10, 1986**. Petitioner testified that prior to said arrest he consumed 10 to 12 beers in 4 hours. Petitioner weighed 170 pounds. He admits being intoxicated. Petitioner took and failed a chemical test, registering a 0.14 BAC.

6. The Hearing Officer took official notice of the prior formal hearing **J-02059-13** pertaining to Petitioner's previous request for driving relief, the evidence admitted and the Findings of Fact and the Order entered therein. In particular, the Hearing Officer takes official notice of the alcohol/drug evaluations and treatment documents admitted into evidence therein.
7. Petitioner is required to participate in the **BAIID** (Breath Alcohol Ignition Interlock Device) program because the Petitioner: has two or more DUI convictions or reckless homicide convictions where the use of alcohol or drugs was an element of the offense, including similar out-of-state convictions or any combination thereof, resulting in the current loss of driving privileges or has been convicted of driving while revoked if the underlying revocation currently in effect is due to a conviction for reckless homicide where alcohol or drugs is recited as an element of the offense or similar out-of-state offense or has a statutory summary suspension pursuant to 11-501.1 or a suspension pursuant to Section 6-203 or any combination thereof within 10 years of the current suspen-

sion/revocation or has invalidated his MDDP by having his driving privileges suspended, revoked, cancelled or invalidated under any provision of the IVC. See IVC §6-205(c), and/or §6-205(d), and/or §6-206.1 and/or §6-206(c)3. Also See 92 IAC 1001.444(a)4. He has read the documents entitled "Breath Alcohol Ignition Interlock Device (BAIID) Terms and Conditions" (see Secretary's Exhibit #6) and "BAIID Questionnaire" (see Petitioner's Exhibit #3), and he has signed the affidavit at the end of the Terms and Conditions document indicating that he understands and accepts his participation in the BAIID Program.

8. Petitioner attended and completed an alcohol/drug remedial education course or DUI risk education course on **July 30, 2011**, conducted by **INTERCEPT PROGRAMS, INC.** (Secretary Ex #3.)
9. Petitioner submitted the following evaluations: an Alcohol and Drug Evaluation Uniform Report with addendum dated **May 31, 2014** conducted by [REDACTED] **SERVICES, LLC.** (Petitioner Ex #1); a current updated alcohol and drug evaluation dated **March 26, 2013** conducted by [REDACTED] (Secretary Ex #3); and a previously submitted Alcohol and Drug Evaluation Uniform Report dated **July 14, 2012** by [REDACTED]. (Secretary Ex #3)

The Hearing Officer finds that the evidence does support the **Significant Risk** classification contained therein. Petitioner's testimony regarding his alcohol/drug use, his submitted documents, and other evidence establish the following regarding the nature and extent of Petitioner's use/abuse of alcohol and/or drugs:

- a) Petitioner testified that he consumed 1 to 2 beers once per week and 6 to 12 beers once or twice per week prior to the first and second DUI arrests and 2 beers once per week and 6 to 12 beers once per month prior to the last DUI arrest.
- b) Petitioner testified that after his last DUI arrest, which occurred on October 26, 2010, he consumed 2 beers once per week until becoming abstinent on August 11, 2011. He has remained abstinent since that time and submitted evidence attesting to his abstinence. (Petitioner's Exhibit #4)
- c) Petitioner testified that he has experienced the following indicators of The Diagnostic Statistical Manual of Mental Disorders (DSM IV) symptoms of alcohol/drug abuse/dependence: hangovers and increased tolerance. Because of his excessive use he has received complaints from family or friends.
- d) Petitioner admits he was a problem drinker/user. (Petitioner's Testimony)
- e) Petitioner was administered the required objective test (Mortimer/Filkins Test, Driver Risk Inventory or ASUDS) as a part of an alcohol and drug evaluation and the results were analyzed therein.

- f) Petitioner was denied relief at his last hearing because of inconsistencies regarding his alcohol consumption history; denial of driving under the influence independent of his 3 DUI arrests and on one additional occasion; and denial of alcohol abuse independent of his DUI arrests. These reasons were adequately addressed in the current alcohol and drug evaluation, Addendum/Reply, and through other evidence/testimony presented herein.
10. Petitioner has completed 20 hours of outpatient treatment. Treatment was provided between **July 9, 2011** and **September 17, 2011** by [REDACTED], which provided documents including Treatment Verification, Discharge Summary, Treatment Plan, Continuing Care Plan and Continuing Care Status. (Secretary Ex #3.) Petitioner submitted a Treatment Needs Assessment/Waiver dated **May 31, 2014** by [REDACTED]. (Petitioner Ex #2)
- a) Petitioner testified as follows regarding his treatment experience: Petitioner's drinking problem was due to stress and peer pressure. He learned the following regarding his alcohol problem: that he had a problem with alcohol and needed to change his lifestyle. He made significant changes to his lifestyle including changing his social group and spending more time with his son and family members.
- b) The treatment waiver was based upon Petitioner's understanding of the nature and causes of his alcohol abuse and related symptomology. No further treatment was recommended.
11. In the course of the hearing, it was discovered that Petitioner suffers from the following mental/physical conditions which may affect his ability to safely operate a motor vehicle: high blood pressure, high cholesterol and diabetes. Petitioner currently takes prescribed medication to address the above conditions, which may affect his ability to safely drive a motor vehicle. As a result, all driving relief should be conditioned upon receipt and acceptance of a Medical Report Form by the Medical Review Unit which addresses this problem. The Petitioner will receive a Medical Report Form and post hearing instructions by the Secretary of State's Office as to when the report should be submitted.
12. Petitioner is employed by [REDACTED], **Wheeling, IL 60660**. (Petitioner's Testimony)
- a) Petitioner's regular hours and days of employment vary.
- b) Petitioner lives 50 miles from his place of employment.
13. For the foregoing reasons, Petitioner has carried his burden of proving that he has satisfactorily addressed his alcohol problem and that he would be a safe and responsible driver if granted driving relief. Therefore it is recommended that he be granted driving relief. Because of the extent of his drinking history and his poor driving record, the Hearing Officer recommends that Petitioner be granted an RDP as a probationary device in lieu of reinstatement of his driving privileges.

**STATUTES AND RULES APPLICABLE:**

The authority sections of the IVC (625 ILCS, Act 5) relied upon herein are: 2-101, 2-103, 2-104, 6-205(a)2, 6-205(c), 6-206(c)3, 6-208(b) and/or 11-501.1. The authority sections of the Rules and Regulations promulgated by the Secretary are: Chapter II, 92 IAC, §1001.10 *et seq.*

**CONCLUSIONS OF LAW:**

1. The evidence established that the Petitioner used alcohol/drugs irresponsibly in the past, but that he has responsibly addressed this past abusive behavior.
2. The Petitioner provided evidence sufficient to carry his burden of proving that his alcohol/drug problem has been resolved. See 92 Ill. Adm. Code Sec. 1001.440, as amended, and 77 Ill. Adm. Code Sec. 2056.315, as amended.
3. The evidence indicates that the Petitioner will be a safe and responsible driver and that to issue him a Restricted Driving Permit will not endanger the public safety and welfare. See Ill. Adm. Code Sec. 1001.430, as amended.
4. The evidence indicates that a Restricted Driving Permit for employment purposes should be issued as a probationary device. See 92 Ill. Adm. Code Sec. 1001.420(h), as amended.
5. The Petitioner is eligible for the "breath alcohol ignition interlock device" (BAIID) program and must, therefore, comply with all of the provisions of the program. See §6-205(h) of the Vehicle Code and 92 Ill. Adm. Code §1001.441.

**RECOMMENDATION:**

The petition for the reinstatement of full driving privileges should be **DENIED**; however, the petition for the issuance of an RDP for employment purposes should be **GRANTED**, after Petitioner meets any and all requirements of the Secretary's Office including the terms and conditions of the Breath Alcohol Ignition Interlock Device (BAIID) Program. All driving relief should be conditioned upon receipt and acceptance of a Medical Report Form by the Medical Review Unit. The Petitioner will receive a Medical Report Form and post hearing instructions by the Secretary of State's Office as to when the report should be submitted.

  
\_\_\_\_\_  
MARY T. SKERRETT  
HEARING OFFICER



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE Secretary of State

[REDACTED] K  
MUNDELEIN, IL 60060-0000

DL NO: K1 [REDACTED]  
FILE NO: [REDACTED]

The attached order is entered on this 15th day of September, 2014.

It is final and subject to appeal within 35 days pursuant to The Administrative Review Law. Said appeal should be filed in the Circuit Court of either Cook, Jefferson or Sangamon counties.

A handwritten signature in cursive script that reads "Jesse White".

---

Jesse White  
Secretary of State  
State of Illinois

### Mailing Certificate

This document and the documents attached hereto, were deposited with proper postage affixed, in the United States Mail Box located on the ground floor of the Howlett Building, Springfield, Illinois 62756 at 2:00 pm on September 15, 2014, pursuant to Section 6-211(c) of the Illinois Vehicle Code.



## OFFICE OF THE SECRETARY OF STATE

JESSE WHITE Secretary of State

September 15, 2014

[REDACTED]  
MUNDELEIN, IL 60060-0000

RE: K [REDACTED]

Dear Petitioner

Enclosed is a Formal Order of Denial. Please read the entire Formal Order carefully. You are eligible to have another hearing with our office 90-days from the date of your last hearing.

If your case is alcohol or drug related and you were required to have an alcohol/drug evaluation, the evaluation is considered current for six months. Prior to another hearing with our office, you will need an UPDATED evaluation if it was completed more than six months before the hearing.

Please note that any request for a FORMAL hearing received or postmarked on or after October 15, 2001, must be, by law, accompanied with a filing fee of FIFTY DOLLARS (\$50.00). The fee may be submitted in the form of a check, money order, or by credit card by completing the appropriate form. Payment shall be made payable to the Secretary of State. **CASH WILL NOT BE ACCEPTED.** If a request is received without the fee attached it will be returned and no hearing will be scheduled. This fee is **NON-REFUNDABLE** once a hearing is scheduled. This is in accordance with Section 2-118 of the Illinois Vehicle Code and 92 Illinois Administrative Code 1001.70.

To request another formal hearing, write to one of the following addresses:

**Chicago:**

Department of Administrative Hearings  
17 North State Street, Suite 1200  
Chicago, IL 60602 (312) 793-3722

**Joliet:**

Department of Administrative Hearings  
54 N. Ottawa Street, 4th Floor  
Joliet, IL 60432 (815) 740-7171

**Springfield:**

Department of Administrative Hearings  
Howlett Building, Room 212  
Springfield, IL 62756 (217) 782-7065

**Mt. Vernon:**

Department of Administrative Hearings  
218 South 12th Street  
Mount Vernon, IL 62864 (618) 242-8986

Department of Administrative Hearings  
Howlett Building, Room 212  
Springfield, IL 62756

cc: ATTORNEY AT LAW  
JAMES J BERTUCCI



JESSE WHITE  
SECRETARY OF STATE  
STATE OF ILLINOIS

IN THE MATTER OF THE REVOCATION OF THE  
DRIVER'S LICENSE AND DRIVING PRIVILEGES  
OF JASON [REDACTED]  
DRIVER'S LICENSE NUMBER: K [REDACTED]

FILE NO. [REDACTED]

ORDER

WHEREAS, the Findings of Fact, Conclusions of Law, and Recommendations of the Hearing Officer, GREGORY ABBOTT in the above captioned case have been read and examined; and,

WHEREAS, the record has been reviewed; and,

WHEREAS, the Findings of Fact and Conclusions of Law are correct and are hereby adopted as the Findings of Fact and Conclusions of Law of the Secretary of State ("Secretary"); and,

WHEREAS, the rulings of the Hearing Officer on the admission of evidence and all motions were correct and are hereby concurred in by the Secretary; and,

WHEREAS, the Secretary adopts the recommendations of the Hearing Officer;

**NOW THEREFORE, IT IS HEREBY ORDERED:** That pursuant to the Findings of Fact, Conclusions of Law, and the Recommendations of the Hearing Officer, the petition for the reinstatement of full driving privileges, or in the alternative, for a Restricted Driving Permit ("RDP"), is hereby **DENIED**.

**FINDINGS AND RECOMMENDATIONS**

**OF THE HEARING OFFICER**

**JURISDICTION:**

This cause comes on for hearing at the request of Petitioner on August 5, 2014, pursuant to §5/2-118 of the Illinois Vehicle Code (“TVC”) at 625 ILCS, *et seq.*, as amended and 92 Illinois Administrative Code, (“IAC”) at Chapter II, §1001, *et seq.*, as amended, before GREGORY ABBOTT, a duly appointed Hearing Officer. Petitioner JASON [REDACTED] (“Petitioner”) appears with his attorney JAMES J BERTUCCI, 1401 NORTH WESTERN AVE, STE 101, LAKE FOREST, IL 60045-1972. The Secretary of State (“Secretary”) was represented by HILLARY PRICE-COHEN.

**RELIEF REQUESTED:**

Petitioner seeks the reinstatement of full driving privileges, or in the alternative, the issuance of a Restricted Driving Permit (“RDP”) for employment purposes pursuant to the rules of the Secretary of State at 92 IAC, §1001.420(i) and he therefore is not required to show an undue hardship in order to obtain this relief. The burden of proof is upon Petitioner for any relief in this hearing. 92 IAC, §1001.100(s). The standard of proof is by clear and convincing evidence. 92 IAC, §§1001.420(c), 430(b) and 440(b).

**FINDINGS OF FACT:**

The Hearing Officer, being fully advised in the premises, finds as follows:

1. The Secretary has jurisdiction over the parties herein and the subject matter hereof, due and proper notice having been previously given as is by statute in such case made and provided.
2. The evidence, exhibits, and testimony have been offered and received from all parties, and a proper record of all proceedings has been made and preserved as required. The Hearing Officer has ruled on all motions and objections timely made and submitted. Documents offered into evidence comply with all standards specified in of 92 IAC, Part 1001, Subpart D, and where required, clinical services were provided by facilities licensed by the Illinois Division of Alcoholism and Substance Abuse (“DASA”) unless specified otherwise.
3. Petitioner’s request for hearing and the Secretary’s notice of hearing were entered into evidence as Secretary’s Exhibits #1 and #2, respectively. Petitioner’s driving record (including, but not limited to, related documents) was read into the record and admitted into evidence as Secretary’s Group Exhibit #3. The Petitioner’s yellow application for driving relief was entered into evidence as Secretary’s Exhibit #4 in which the Petitioner

reported no circumstances which otherwise would have precluded the Petitioner from proceeding with the hearing. It also reflects the Petitioner's Non-Visa Status [NVS] and/or Visa Status [VS] at the time of the Hearing. Finally, Secretary's Exhibit #5 is the PDPS History/Status Response, obtained at the time of the scheduling of the hearing, the results of which are identified below in Finding of Fact #5.

4. Orders revoking Petitioner's driver's license and driving privileges was entered effective **January 07, 2010 and November 24, 2005** pursuant to IVC §6-205(a)2, due to **convictions for operating a motor vehicle while under the influence of alcohol or other drugs.**

Orders summarily suspending Petitioner's driver's license and driving privileges were entered effective **May 31, 2009 and April 14, 2004** pursuant to IVC §11-501.1, after he failed or refused a chemical test.

5. Petitioner has 3 arrests for driving under the influence ("DUI"). The certified record, the PDPS and/or alcohol and drug evaluations contained in the file disclose the arrests of **April 15, 2009, February 28, 2004, January 26, 2002 (BAC 0.134).** (Secretary of State's Exhibits #3 & 5 and Petitioner's Exhibit #1)

Petitioner's last arrest for DUI occurred on **April 15, 2009.** Petitioner testified that prior to said arrest he consumed 2 beers and one mixed drink in 3 hours. Petitioner weighed 160 pounds. He admits being intoxicated. Petitioner refused to take a chemical test.

Petitioner's other arrests for DUI occurred on **February 28, 2004 and January 26, 2002.**

6. The Hearing Officer took official notice of the prior formal hearing C- [REDACTED] pertaining to Petitioner's previous request for driving relief, the evidence admitted and the Findings of Fact and the Order entered therein. In particular, the Hearing Officer takes official notice of the alcohol/drug evaluations and treatment documents admitted into evidence therein.

7. Petitioner is required to participate in the **BAIID** (Breath Alcohol Ignition Interlock Device) program because the Petitioner: has two or more DUI convictions or reckless homicide convictions where the use of alcohol or drugs was an element of the offense, including similar out-of-state convictions or any combination thereof, resulting in the current loss of driving privileges or has been convicted of driving while revoked if the underlying revocation currently in effect is due to a conviction for reckless homicide where alcohol or drugs is recited as an element of the offense or similar out-of-state offense or has a statutory summary suspension pursuant to 11-501.1 or a suspension pursuant to Section 6-203 or any combination thereof within 10 years of the current suspension/revocation or has invalidated his MDDP by having his driving privileges suspended, revoked, cancelled or invalidated under any provision of the IVC. See IVC §6-205(c), and/or §6-205(d), and/or §6-206.1 and/or §6-206(c)3. Also See 92 IAC 1001.444(a)4. He has read the documents entitled "Breath Alcohol Ignition Interlock Device (BAIID) Terms and Conditions" (see Secretary's Exhibit #6) and "BAIID Questionnaire" (see Petitioner's Exhibit #7), and he has signed the affidavit at the end of the Terms and Conditions document indicating that he understands and accepts his participation in the BAIID Program. Petitioner is also a BAIID Multiple Offender due to having two or more Illinois

DUI convictions and is therefore also required to install a BAIID in every motor vehicle registered in his name, either solely or jointly, upon the issuance of relief and to comply with the requirements of the BAIID Multiple Offender Program found at 92 IAC, §1001.443. See IVC §6-205(h).

8. Petitioner submitted the following evaluations: a current updated alcohol and drug evaluation dated **August 4, 2014** with Addendum/Reply dated **August 4, 2014** both conducted by [REDACTED], LLC (Petitioner Ex #1); a previously submitted updated alcohol and drug evaluation dated **May 29, 2013** by [REDACTED] (Secretary Ex #3); and an Alcohol and Drug Evaluation Uniform Report dated **January 11, 2010** conducted by NICASA (Secretary Ex #3).
9. The Hearing Officer fully considered the alcohol/drug evaluations presented by Petitioner. The Hearing Officer finds that Petitioner is currently classified as High Risk Dependent-In Remission. Chemical dependency is a progressive, incurable disease (See J. Kinney, Loosening the Grip: A Handbook of Alcohol Information, (6th ed. 2000) and Encyclopedic Handbook of Alcoholism, (Pattison and Kaufman, ed. 1982). Petitioners classified chemically dependent must completely disclose and accept their dependency, successfully complete treatment for their dependency, document their abstinence consisting of a sufficient period of time, and document their involvement in an active, ongoing support program to maintain their sobriety. They must demonstrate at the time of the hearing that they have met each of these requirements in order to demonstrate that they are a low or minimal risk to avoid relapse. (See 92 IAC, §1001.440(b).)
  - a) Petitioner testified that he consumed 4-5 beers 4 times per week in the year prior to his last DUI arrest on April 15, 2009 and denied consuming more in that year. Petitioner's testimony is inconsistent with the reports contained in the evaluations and other documentation submitted. The pattern of alcohol/drug use reported in the **August 4, 2014** evaluation by [REDACTED] reflects a materially different pattern of use for the year prior to April 15, 2009 consisting of 5 beers 2-3 days per week, and 3-4 times per year he consumed 2 beers and 3 glasses of wine. Petitioner did not make any mention of wine consumption in the instant hearing. It should also be noted that the 2 different patterns mentioned herein are different from patterns Petitioner previously reported in the last hearing.
  - b) Petitioner testified that since his last DUI arrest on April 15, 2009, he has been abstinent. Petitioner has provided sufficient evidence attesting to his abstinence. (Petitioner's Exhibit #4.)
  - c) Petitioner testified that he has experienced the following indicators of The Diagnostic Statistical Manual of Mental Disorders (DSM IV) symptoms of alcohol/drug abuse/dependence: blackouts, passing out, loss of control, binge drinking, withdrawal, hangovers, drinking more than intended, increased tolerance; excessive use of time; and impairment of or reduction in work duties due to use. Because of his excessive use he has received complaints from family or friends.
  - d) Petitioner admits being a chemically dependent person. (Petitioner's Testimony.)

- e) Petitioner was denied relief at his last hearing because of inconsistent reporting of his alcohol use pattern in the year before the last DUI and because of a lack of an adequate support system. These reasons were addressed in the current alcohol and drug evaluation Addendum/Reply and through other evidence/testimony presented herein. However, the same issues have arisen in this hearing.
10. Petitioner has completed all recommendations for treatment. Petitioner has completed 75 hours of outpatient treatment. Treatment was provided between **October 5, 2010 and December 18, 2010** by [REDACTED] which provided documents including Treatment Verification, Discharge Summary, Treatment Plan and Continuing Care Plan. (Secretary Ex #3.) Petitioner has completed aftercare or is currently involved in continuing care. Petitioner submitted a Treatment Needs Assessment dated August 4, 2014 by [REDACTED] (Petitioner's Ex. #2)
- a) Petitioner testified as follows regarding his treatment experience: Petitioner learned that drinking and driving is not worth it, and that he drank to get rid of issues. He learned to talk out his problems. He claims to have made significant changes to his life-style by fishing, hanging out with friends, and no longer going to bars, Still sees old friends but not where alcohol is involved. Petitioner identified the following relapse triggers: coping with death of friends and family, relationship, stress. However, Petitioner's explanation as to the nature and causes of his chemical dependency is unclear due to the fact that Petitioner was unsure if he could drink responsibly in the future, and did not have a relapse prevention plan. (Petitioner's testimony)
- b) Petitioner's inability to relate any significant information regarding his: treatment experience and/or minimization of his drinking/drug history indicates that the Petitioner has been less than successful in identifying and addressing his chemical dependence, notwithstanding the treatment provider's positive prognosis. Petitioner should return to his treatment provider for the purpose of addressing these issues and/or assessing the need for additional treatment. **The provider's response must be submitted in writing at the next formal hearing.**
- c) The credibility of the aforementioned treatment waiver is questioned because of the above issues regarding prior alcohol use and effectiveness of treatment. For these reasons the waiver does not carry much weight.
11. Petitioner has not established an adequate ongoing support/recovery program.
- a) Petitioner has used family and friends to support his abstinence. His support group consists of his mom, grandmother, brother and co-workers John and Lowell. Petitioner admits to others that he is dependent. The individuals who constitute his present support group are the same people Petitioner knew when drinking. Petitioner does not regularly discuss alcohol issues with any members of his support group, but says he sees them regularly and can talk about his problems with them. Petitioner has provided sufficient evidence attesting to his current involvement in support/recovery. (Petitioner's Exhibit #5) However, Petitioner's

non-traditional support/recovery program does not sufficiently focus on his recovery since it does not appear that alcohol issues are regularly discussed. Although the evaluator is aware of this support, the evaluator fails to provide any factual basis for his opinion that the support is adequate. The evaluator should provide a detailed explanation of what the support consists of, and how it constitutes adequate support for Petitioner.

12. Petitioner is employed by **TRINITY ACADEMY OF GYMNASTICS, 9612 TRINITY AVE, LAKE IN THE HILLS, IL.** (Petitioner's Testimony and see Petitioner's Exhibit #6.)
  - a) Petitioner's regular hours and days of employment are 4:00 p.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturday.
  - b) Petitioner lives 25 miles from his place of employment.
  - c) Petitioner is required to drive as far as 60 miles from his place of employment in the course of employment related duties.
13. At the conclusion of the hearing, the Petitioner acknowledged that he understood the questions asked of him and stated that his responses were complete and accurate. Petitioner declined the opportunity to add to his testimony.
14. In conclusion, the Petitioner, **JASON [REDACTED]** has failed to carry his burden of proving that he has satisfactorily resolved his chemical dependency and that he would be a safe and responsible driver if granted driving relief. The reasons for the denial of driving privileges are as stated above. (See Findings of Fact #9a, e, 10a, b and 11a) Therefore, it is recommended that he be denied driving relief.

#### STATUTES AND RULES APPLICABLE:

The authority sections of the IVC (625 ILCS, Act 5) relied upon herein are: 2-101, 2-103, 2-104, 6-205(a)2, 6-205(c), 6-206(c)3, 6-208(b) and/or 11-501.1. The authority sections of the Rules and Regulations promulgated by the Secretary are: Chapter II, 92 IAC, §1001.10 *et seq.*

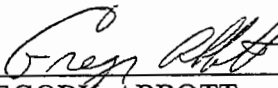
#### CONCLUSIONS OF LAW:

1. The evidence established that the petitioner is an alcoholic/chemically dependent person, in remission. See 92 Ill. Adm. Code Sec. 1001.410, as amended, and 77 Ill. Adm. Code Sec. 2060.503(g), as amended.
2. The Petitioner failed to carry his burden of proving that he has established an adequate support system in order to ensure continuous recovery from his alcoholism/chemical dependency. See 92 Ill. Adm. Code Sec. 1001.440(b)(3) and (g), as amended.
3. Given the unresolved issues raised herein (See Finding of Fact #9a, e, 10a, b and 11a), the Petitioner failed to carry his burden of proving that he would be a safe and responsible driver and that he

would not endanger the public safety and welfare. See 92 Ill. Adm. Code Secs. 1001.100(s), 1001.420, 1001.430 and 1001.440(b), as amended.

**RECOMMENDATION:**

The petition for the reinstatement of full driving privileges, or in the alternative, the petition for a restricted driving permit should be **DENIED**.

  
\_\_\_\_\_  
GREGORY ABBOTT  
HEARING OFFICER

# Legislation of note

BY J.A. SEBASTIAN

## Non-citizens entitled to law license in Illinois under specific circumstances

Many licensed professionals in the state of Illinois must be U.S. citizens in order to practice their profession in this state. Lawyers have been required to be U.S. citizens under state law. 705 ILCS 205/1 through 12. The General Assembly, in the Illinois Attorneys Act, provided that *no person shall be entitled to receive a law license unless a citizen of the United States or unless the individual has made a declaration of intention to become a citizen or unless, having made such declaration of intention, filed a petition for naturalization within 30 days*

*after becoming eligible to do so and until that individual obtained a certificate of his good moral character from a circuit court. Who knew!*

On August 20, 2015, the Governor signed into law Senate Bill 23, which amends the Illinois Attorneys Act. 705 ILCS 205/1 through 12. Effective January 1, 2016, Public Act 99-419 amends the Act regulating the licensing of noncitizens, to authorize the Illinois Supreme Court to grant a law license to a person who, in addition to fulfilling the requirements to practice law within this State, satisfies the following requirements:

(1) the United States Department of

Homeland Security has approved the person's request for Deferred Action for Childhood Arrivals;

- 2) the person's Deferred Action for Childhood Arrivals has not expired or has been properly renewed; and
- (3) the person has a current and valid employment authorization document issued by the United States Citizenship and Immigration Service.

In addition, the legislative amendment specifies that the Illinois Supreme Court may promulgate order or rules related to this amendment. Watch for those rules on the Supreme Court's Web site. ■

# Revisions to the Illinois Interlock Program, DUI and summary suspension statutes

BY MARC CHRISTOPHER LORO

Effective January 1, 2016, several legislative changes amend **the Illinois Interlock program, DUI and summary suspension statutes.**

## P. A. 99-290/HB1446 – RDP relief for offenders currently facing lifetime revocations

Under current Illinois law, drivers with four (4) DUI convictions in this or any other state are prohibited from obtaining any form of driving relief for life.

Offenders currently revoked for life will be able to apply for a RDP under certain conditions. The offender must *first* serve a 5-year period of "hard time" measured from the date of the last order of revocation or release from incarceration (imposed as a result of the most recent offense), whichever is later; must demonstrate 3 years of abstinence; complete any treatment requirements and otherwise meet the

requirements of the Secretary of State. The bill goes on to state that "the Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests." The RDP will be subject to BAIID requirements. The law will continue to prohibit reinstatement in the future.

An issue that needs to be addressed is when can a **Significant Risk** (problematic use) petitioner begin his/her 3 years of abstinence, i.e., could the abstinence begin immediately upon arrest (or as a condition of probation), or must the petitioner be abstinent at the time of his/her first hearing? Another issue is whether these petitioners must prove an "undue hardship" in order to receive the permit.

- If the offender has more than one (1) conviction for DUI *drugs* under §11-501(a)(3)(4) or (5), s/he is not eligible for

a RDP.

- Another conviction for DUI after a RDP has been granted will bar any further relief in the future.
- Out-of-state residents will be eligible to apply for reinstatement after a period of 10 years, measured from the date of the last order of revocation. These offenders must also comply with the Secretary of State out-of-state requirements. If the offender reestablishes residency in Illinois, the revocation will be reinstated and the offender will be limited to RDP relief upon meeting the above requirements.
- Offender convicted of driving while revoked or suspended due to driving on a RDP without a required BAIID device will be guilty of a Class 4 felony and subject to a minimum term of 30 days of imprisonment (currently only applicable



to MDDP violations).

See amendments to §§6-205(c)(1); 6-206(c)(3) and 6-208(F) and 6-303(c-4.)

### P.A. 99-296/HB3533 – Extension of the time offenders with multiple convictions are required to drive with RDPs subject to BAIID requirements

- Multiple offenders will now be required to drive on a BAIID RDP for a period of 5-years, during which there can be no cancellation of the RDP, or additional suspensions or revocations, before being considered for full reinstatement (regardless of eligibility date on a 5 or 10 year revocation).

See amendment to §§6-205(h); 6-208(b)(1.3) and 11-501.01(e)

### P.A. 99-300/HB4074 – Issuance of driving privileges to new residents of Illinois with out-of-state revocations

- Offender who moves to Illinois with an open revocation in another state may

apply for driving privileges in Illinois, subject to several conditions, after living in Illinois for 10 years. Hearing required. Some of the conditions include only one revocation, no traffic offenses since the revocation, etc.

See amendments to §6-103.1(a)

### P.A. 99-289/HB1377 – BAIID multiple offenders cannot drive without interlock device installed

- If the Secretary of State issues driver's license to offender who must continue to drive with an interlock device after reinstatement, the driver's license issued to the offender must include an interlock designation on the driver's license.
- BMOs who must install interlock device on every vehicle owned by the offender cannot drive without an interlock device.

See amendments to §§6-113, 6-205(h), and 11-501.01.

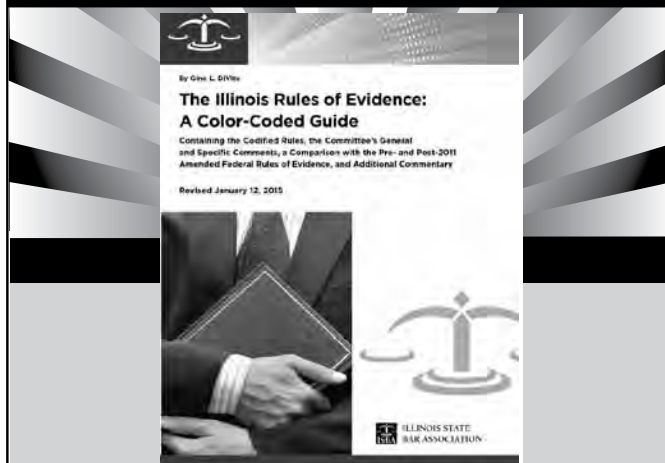
### P.A. 99-467 – Eliminates hard time; interlock required for first Aggravated DUI; asks offender to sign sworn report

Asks the offender to sign the Warning to Motorist form and eliminates hard time for all summary suspensions and after second conviction/revocation for DUI. Requires interlock, if issued a permit, after first conviction for Aggravated DUI that involves great bodily injury or death.

**Note:** HB 218 is awaiting action by the Governor. It latter is a voluminous revision of statutes related to cannabis. For example, it eliminates zero tolerance for DUI-cannabis (except for CDL holder) and sets standard of "either 15 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 25 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substance." ■

Marc Christopher Loro is Senior Legal Advisor and Hearing Officer with the Department of Administrative Hearings, Office of the Illinois Secretary of State.

*The book the judges read!*



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