

**From:** Valenta, Val  
**To:** Devlin, Lotte <Lotte.Devlin@SCDMV.net>  
Parks, Beth S <Beth.Parks@SCDMV.net>  
Adams, Marcia S <Marcia.Adams@SCDMV.net>  
**Date:** 3/8/2006 6:26:46 PM  
**Subject:** RE: Rick Brundrett's Questions

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I have added my comments in red, even though they are now just for posterity.

Val

-----Original Message-----

**From:** Devlin, Lotte  
**Sent:** Wednesday, March 08, 2006 3:45 PM  
**To:** Parks, Beth S; Adams, Marcia S  
**Cc:** Valenta, Val  
**Subject:** RE: Rick Brundrett's Questions

here's my crack at the responses where I can make them.

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-----Original Message-----

**From:** Parks, Beth S  
**Sent:** Wednesday, March 08, 2006 3:07 PM  
**To:** Devlin, Lotte; Adams, Marcia S  
**Cc:** Valenta, Val  
**Subject:** Rick Brundrett's Questions

Rick wants to do a follow up story this week. He said he didn't know we were notifying law enforcement and that we should have told him. He said he thought no one was contacting them and that's why Judge Kittrell volunteered to contact them. Basically, he's worried about the editorial that will go out on Saturday. I need to leave early this afternoon so I told him it would probably be tomorrow before we got back to him. Here's what he wants to know now:

1) When did DMV start contacting law enforcement?

We began notifying them 2/10/06 in for those cases where we had enough information to do so. On 2/23/06, we started notifying all of them. [Devlin, Lotte] I wouldn't give any other date than the 2/10 date.... if he specifically asks when we started notifying all of them we can say so, but it could just open up more questions. His question was when did we START contacting LE. [Val's comment:] Lotte is correct. We STARTED notifying law enforcement officers on February 10, but it did not become fully systematic until February 22 or 23.

2) How many officers have we contacted?

Mike said we had notified 427 so far. [Val's comment:] Melissa Fulton came up with that number, but I have not had a chance to ask her how she came up with that. She may have used a printout from our fax machine.

3) What types of cases are we notifying officers about? [Devlin, Lotte] Since we started notifying law enforcement, we're notifying them whenever we receive notice from the ALC of a hearing. Legal, Please verify. Regular hearings? Appeals? Only the ones that were dismissed? [Val's comment:] We are only notifying officers about implied consent cases in which they will be witnesses. There is no officer to be notified for financial responsibility or habitual offender cases.

4) How many appeals have we filed to date and do we have any hearing dates **[Devlin, Lotte]** for those appeals? **[Devlin, Lotte]** Need some additional information here. **[Val's comment:]** We have appealed or will be appealing this week 135 cases. 22 of those are appeals on the merits of cases for which the officers appeared. So 113 are or soon will be because of the officer not having been notified.

He didn't ask the following questions, but I think we should be prepared to answer them. I'm just trying to anticipate some of his questions.

5) Why did DMV wait so long to contact law enforcement? **[Devlin, Lotte]** At first we didn't know law enforcement wasn't being notified. We assumed that the ALC staff would notify them, just as they had done when they were with DMV. When we discovered that law enforcement wasn't being notified, we filed numerous legal motions and appeals to allow cases to be reheard or continued so that law enforcement could be present. When ALC did not respond to our motions, DMV began notifying officers of hearing dates. **[Devlin, Lotte]** this is a direct quote from our oped. **[Val's comment:]** Lotte's comments are correct. Just between us, the motions and appeals were filed in hopes that the DMVH would go back and straighten the situation out. We did not have the staff to do all the notifications, not to mention that it has never made sense for us to be middlemen in the notification process.

6) Where do things stand now between us and ALC?

**[Devlin, Lotte]** We haven't received any notification from ALC that they are notifying law enforcement.

**[Devlin, Lotte]** We continue to try to work with them to resolve any outstanding issues. **[Val's comment:]** True. Though their management told the paper that they are notifying the officers, they have never told our management. Their staff has told that to our staff, but there has been no official notice on which we can rely.

7) We said the ALC didn't respond to our motions. We should be prepared to discuss what the motions were about and if we know why they didn't respond to us. **[Devlin, Lotte]** The short version: we wanted to allow officers to testify, so used different motions, depending on whether the hearing had already been held or not. We don't know why they did not respond to some of our motions. The Long Version: MV filed a motion for reconsideration for cases that had been dismissed because the officer failed to appear for the hearing.

When we received no response to these motions for reconsideration, we appealed those cases in which we could determine that the officer was not notified. Also, DMV filed Motions for Continuance in those cases in which the hearing had not yet been held, to allow DMV to notify the officer. To date, the ALC has denied 129 of these motions for continuance. **[Val's comment:]** All correct. It is worth noting that private attorneys told us that the DMVH told them that they were going to deny all of our motions to reconsider. However, the DMVH then sent us a notice that motions for reconsideration could not be submitted by fax. It was then too late to deliver them by had, as the ten-day deadline had passed. So we had to file appeals. We did not receive any response to any motion to reconsider, presumably because the DMVH considered them not to have even existed.

**Beth Parks**  
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