

From: Devlin, Lotte
To: Adams, Marcia S <Marcia.Adams@SCDMV.net>
Date: 3/3/2006 12:23:16 PM
Subject: RE: Rick Brundrett

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

From: Bill & Beth Parks [mailto:bparks@bellsouth.net]
Sent: Friday, March 03, 2006 10:59 AM
To: marcia.adams@scdmv.net; lotte.devlin@scdmv.net
Cc: lindsey.osborne@scdmv.net; beth.parks@scdmv.net
Subject: Rick Brundrett

I responded to his questions as I was instructed. Of course, one question always leads to more. Please understand that I cannot say "No comment." Here's what he wants to know:

1. Are there restrictions on a Temp alcohol license? I told him that it was good for 6 months and that I didn't believe it was restricted, but that I would double-check. [Devlin, Lotte] No restrictions; valid for 6 months but can be renewed.
2. If the hearing upholds the suspension, is the Temp alcohol license suspended and if so, how quickly?[Devlin, Lotte] If the hearing sustains the suspension, the driver gets notice that his/her suspension will begin in 15 days from the date of the notice.
3. On what legal basis are we refusing to issue the driver a regular DL when a suspension has been dismissed? Is it because we are filing a motion or appeal and the process isn't finished yet? He said he doesn't want to say that DMV is ignoring the ALC's court order. [Devlin, Lotte] DMV can appeal or file motions on the rulings of administrative hearings, just as we do for decisions from any other court of law, pursuant to 56-1-286 (P), 56-5-2951(B)(1) and 56-5-2951(G). While the hearing results are under appeal, the driver can continue to drive on the temporary alcohol license without restriction,
4. Do we know how many of these drivers have a temp alcohol license or can we guess on a percentage? I told him I didn't think I could those figures and we don't like to guess. [Devlin, Lotte] Any driver who meets the requirements to obtain a hearing can get a temporary alcohol license. We estimate approximately 99% do so.
5. Do our appeals and motions go to a regular ALC judge?[Devlin, Lotte] Yes, see 1-23-660.
6. Has the ALC ruled on any appeals? [Devlin, Lotte] No. If so, how many and to what outcome?
7. Are the 1800 or so implied consent cases that were dismissed last year a concern for public safety? [Devlin, Lotte] DMV doesn't keep the statistics on the actual numbers of cases, so we can't comment on the number. The hearing results were based on the merits of the case. Because our concern is for public safety, we appeal those cases where an appeal is warranted. Is the Dept concerned about it? [Devlin, Lotte] The law prescribes what can and cannot be done. DMV is doing everything possible by filing appeals where warranted. Did we appeal any of these cases? [Devlin, Lotte] Yes Do we know how many got their licenses back? [Devlin, Lotte] We don't have those numbers readily available. I told him I may not be able to get all of this information.
8. What is DMV's position on the actions of the ALC? He said he's getting a sense that it was a feud. I didn't answer the question directly as he asked it. I simply stated that we work with local, state and federal agencies on a regular basis and we work with these agencies to find solutions any issue[Devlin, Lotte] There is no feud. Any time a function gets transferred from one area to another, there will be differences in

8. interpretation. We're continuing to work those differences out with the ALC. Pending legislation should also help clarify things.
9. Why did DMV ask for hearings to be moved to the ALC? I told him it really didn't fit within the agency's mission. He asked if it was Marcia's idea to move hearings to the ALC. I told him she presented it. He asked if it was her decision. I told him no. She merely presented the idea and other officials supported it. He didn't ask who supported it. [Devlin, Lotte] DMV did not ask hearings to be moved to ALC; they could have been moved elsewhere as well. After DMV became its own agency, we identified that holding hearings was not a core part of the Agency's mission. The legislature proposed and drafted the legislation.
10. Who is sponsoring the bill?[Devlin, Lotte] Rep GM Smith and Senator V. Sheehan.