

DEPARTMENT OF MOTOR VEHICLES
LICENSING OPERATIONS DIVISION
Driver Safety Branch
7677 Oakport Street, Suite 220
Oakland, CA 94621-1906



Telephone: (510) 563-8900 FAX: (510) 563-8950

ADMINISTRATIVE PER SE - .08% BAC
NOTIFICATION OF FINDINGS AND DECISION

[REDACTED]

DRIVER LICENSE OR FILE NO.	
[REDACTED]	
ARREST DATE	
[REDACTED]	[REDACTED]

The stay of the suspension against your driving privilege has been ended. The suspension will be re-imposed effective [REDACTED]. The suspension will remain in effect through [REDACTED].

[REDACTED] is hereinafter also known as "Respondent."

The following findings and determinations are the results of your hearing on [REDACTED].

FINDINGS OF FACT

Probable Cause:

[REDACTED]

Based on the observation of driving, and the details of the contact, it is hereby determined that Officer [REDACTED] had probable cause to contact the Respondent.

The evidentiary basis for the finding on the probable cause issue is:

- DMV Exhibits: Arrest Report, DS-367 & Investigation Report.

II

Objective Symptoms:

Subsequent to making contact with Respondent, Officer [REDACTED] formed the belief that Respondent was intoxicated after having observed the following objective symptoms of intoxication:

- Bloodshot and watery eyes.
- Odor of alcoholic beverage.
- Unsteady gait.
- Slurred speech.

Officer [REDACTED] also considered the following as contributing factors in forming the belief of intoxication:

- Unsatisfactory Field Sobriety Tests.
- An admission of alcohol consumption.

The evidentiary basis for the finding on the objective symptoms of intoxication issue is:

- The DS-367 (Officer's Sworn Statement).
- The Arrest Report.
- The Investigation Report.

III

Reasonable Cause:

Based on the preceding findings concerning probable cause, Officer [REDACTED] determination of driving, the Officer's belief that Respondent was intoxicated because of the objective symptom of intoxication, and the additional reported factors that the Officer used to form the belief of intoxication, it is hereby determined that Officer [REDACTED] had reasonable cause to believe that Respondent was driving a motor vehicle while under the influence of alcohol.

IV

Lawful Arrest:

On [REDACTED] Respondent was arrested for violation of Vehicle Code Section 23152, 23153, or 23140.

The determination that Respondent was arrested under the charge of driving under the influence, Vehicle Code Section 23152, 23153, or 23140 is based on:

- ° Explicit statements in DMV's documentary evidence.

As a result of the reasonable cause determination and the subsequent findings of an arrest taking place, it is hereby determined that Respondent was lawfully arrested for a violation of Vehicle Code Section 23152, 23153, or 23140.

V

Chemical Test:

As based on the lack of sufficient evidence to rebut the chemical test results, it is hereby determined that Respondent submitted to and completed a chemical test of his blood, with a result of [REDACTED] % B.A.C. at [REDACTED] PM on [REDACTED].

VI

Other Findings:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Officer's Statement DS367 and sworn report, has been found reliable, admissible, and sufficient to support a finding without the Officer being present at the hearing. Objection noted is insufficient to rebut the official duty presumption.

Therefore, it is the influence of the official duty, broadly considered - which is taken as the sufficient element of trustworthiness, justifying the acceptance of the credibility of the officer(s) and department's evidence.

VII

Driving With B.A.C. At Or Above 0.08%:

Based on the preceding it is determined that the preponderance of evidence in this case supports that Respondent was driving a motor vehicle at the time that the concentration of alcohol in his blood was at or above 0.08%.

DETERMINATION OF ISSUES

- 1) The peace officer had reasonable cause to believe you were driving a motor vehicle in violation of Vehicle Code Section 23140, 23152, or 23153.
- 2) You were placed under lawful arrest.
- 3) You were driving a motor vehicle when you had .08% or more by weight of alcohol in your blood.

DECISION

As a result of the preceding Findings & Determination, suspension of your driving privilege is re-imposed as specified here in these documents.

Dated: _____

- Driver Safety Officer

THIS ACTION IS INDEPENDENT OF ANY OTHER ACTION TAKEN BY THE COURT OR THIS DEPARTMENT

Before a driver license can be issued or returned to you after [REDACTED], you must complete the following:

- A \$125.00 reissue fee must be paid to DMV.
- You must file proof of financial responsibility as provided in §16430 VC. (See attached or reverse.)
- You must maintain proof of financial responsibility for three years.
- Completion of a Driving Under the Influence (DUI) program licensed pursuant to §11836 of the Health and Safety Code is required if convicted of violation of §§23140, 23152, or 23153 VC or Section 191.5 of the Penal Code.

NOTE: If you drive while your driving privilege is suspended or revoked, you may be arrested and, if convicted, jailed and/or fined.

Appeal Rights

You are entitled to a departmental review of this decision. A request for the departmental review does not stay the action. The review shall be limited to an examination of these findings and determination, and any documentary evidence submitted at the hearing. It will not include a personal interview nor a review of evidence not presented at the hearing. To have this review, you must submit your written request with \$120 for any action taken pursuant to §13353 VC or §13353.2 VC to the address shown above within 15 days of the effective date of the decision.

You may also request a court review of this action by contacting the superior court in your county of residence within 34 days from the date shown below.

Certificate of Service

I hereby certify under penalty of perjury under the laws of the State of California, that on the date below, I deposited in the United States mail at the address shown above, a true copy of this document; that I am over the age of eighteen years; an employee of the Department of Motor Vehicles at the business address shown above in the county where the office is located; and that I am not a party to the cause herein mentioned.

DATE [REDACTED]	SIGNATURE OF AUTHORITY [REDACTED]
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California Relay Telephone Service for the deaf or hearing impaired from TDD Phones: 1-800-735-2929; From Voice Phones: 1-800-735-2922

cc: [REDACTED]

PROOF FILING INFORMATION

The usual method of showing **proof** of financial responsibility is to provide a California Insurance Proof Certificate (form SR-22/SR-1P) from an insurance company authorized to do business in California. The **types** of coverage on the form SR-22/SR-1P are listed below:

SR-22 ~ A motor vehicle liability policy may be provided to cover only vehicles registered in your name (owner's policy), only to vehicles you do not own (operator's policy), or all vehicles whether you own them or not (broad coverage). This certificate is acceptable for all DMV actions requiring proof of responsibility.

SR-1P ~ An automobile liability policy or a liability policy may be provided to cover vehicles with less than four wheels. This certificate is used after an accident without insurance, for negligent operator sanctions per §12810.5 VC, or for an application by a minor requiring proof.

NOTE: THE SR-1P PORTION IS NOT ACCEPTABLE FOR ADMINISTRATIVE PER SE ACTIONS.

To obtain a California Insurance Proof Certificate, contact an insurance agent or broker. **DO NOT SUBMIT** a copy of your policy or application as neither can be accepted in place of the California Insurance Proof Certificate. If necessary, persons unable to obtain this insurance coverage through their regular insurance company may have any insurance agent or broker make an application to the California Automobile Assigned Risk Plan. The Plan may be contacted directly for information at:

California Automobile Assigned Risk Plan
P.O. Box 7917
San Francisco, CA 94120-7917

Proof of financial responsibility may be met by a \$35,000 cash deposit or \$35,000 surety bond. Proof may also be filed by a self-insurer on behalf of an employee to permit driving vehicles owned by the self-insurer within the scope of employment. Bond information must be obtained from a surety bond company authorized in California. For information on the cash deposit or self-insurance, you may call (916) 657-6421, or write to:

DMV, Financial Responsibility Area
P.O. Box 942884 Mail Station J-237
Sacramento, CA 94284-0884