

COLORADO DEPARTMENT OF REVENUE  
HEARINGS SECTION

STATE OF COLORADO  
DEPARTMENT OF REVENUE  
HEARINGS DIVISION

ORDER OF DENIAL

Case Number

IN THE MATTER OF THE PRIVILEGE  
OF OPERATING A MOTOR VEHICLE  
IN THE STATE OF COLORADO OF

DECISION AND ORDER

CASE NUMBER:  
DRIVER'S LICENSE:  
DATE OF BIRTH:  
MICROFILM :

THIS MATTER HAVING BEEN CONSIDERED AFTER OPPORTUNITY FOR HEARING AS PROVIDED BY LAW, THE HEARING OFFICER NOW BEING FULLY ADVISED, FINDS THAT THE FACTS SUSTAIN A DENIAL AS PROVIDED IN CRS. IT IS THEREFORE ORDERED THAT YOUR PRIVILEGE TO OPERATE A MOTOR VEHICLE IN THIS STATE IS HEREBY DENIED.

IT IS FURTHER ORDERED THAT THE DENIAL SHALL REMAIN IN EFFECT UNTIL 14 DAY OF DECEMBER 2016 AND SHALL CONTINUE IN EFFECT UNTIL THE PROVISIONS OF 42-2-132 CRS ARE COMPLIED WITH, REQUIRED INSURANCE FILED AND A REINSTATEMENT FEE IS PAID TO THE DEPARTMENT OF REVENUE, MOTOR VEHICLE DIVISION.

IT IS FURTHER ORDERED THAT YOU SURRENDER ALL DRIVER LICENSES/PERMITS NOW HELD BY YOU AND IN YOUR POSSESSION OR CONTROL.

DRIVING UNDER THIS RESTRAINT IS PROHIBITED AND CAN RESULT IN A ONE YEAR EXTENSION OF THE RESTRAINT, FINES AND A MANDATORY JAIL SENTENCE. THIS ORDER MAY BE APPEALED WITHIN THIRTY DAYS PURSUANT TO 42-2-135 CRS.

EFFECTIVE THIS 07 DAY OF NOVEMBER 2016

I ACKNOWLEDGE SERVICE OF THE ORIGINAL COPY OF THIS ORDER:

RESPONDENT

HEARING OFFICER

DATE: \_\_\_\_\_

# \_\_\_\_\_

LICENSE SURRENDERED      YES      NO

**STATE OF COLORADO  
DEPARTMENT OF REVENUE  
HEARINGS DIVISION**

Case Number:

---

**DECISION AND ORDER**

---

**IN THE MATTER OF THE LICENSE OF:**

**Respondent:**

**Colorado Pin Number:**

**Attorney G. Pareja, 10277**

---

**PROCEDURAL HISTORY**

Upon application for a Colorado Driver's License, Respondent was advised that Respondent's privilege was under restraint in another state, and therefore the application for a license in Colorado was denied pursuant to §24-60-1101 (Article V, 1-3) C.R.S. Upon receipt of notice of the denial, Respondent requested a hearing on the Interstate Driver License Compact Denial. The Department granted a hearing on the issue of the Denial and application of Colorado law to the existing restraint as required in § 1 CCR 204-16(B), and the hearing was conducted on December 14, 2016.

**EVIDENCE CONSIDERED**

The Hearing Officer considered the Driver's History as provided by the Division of Motor Vehicles (DMV) of the Colorado Department of Revenue (The Department), as well as the investigatory notes provided by DMV. The Hearing Officer also considered Respondent's sworn testimony.

**FINDINGS OF FACT**

1. This hearing was conducted pursuant to §24-60-1101 (Article V, 1-3) C.R.S.
2. Respondent was noticed of the denial of Colorado Driving Privilege on approximately October 28, 2016.
3. Respondent requested a hearing on the merits and a Colorado License Review as permitted by § 1 CCR 204-16(B).

4. The Hearings Division granted the hearing, and noticed the DMV of the pending hearing, advising the DMV of the requirement to provide the evidence required for the out of state review for a Colorado Driver's License.
5. Respondent has not driven since approximately [redacted] Respondent has been under restraint for the period of time [redacted] has not been driving.
6. Respondent has two convictions for driving while intoxicated. The first violation occurred in [redacted] and the second violation occurred in [redacted] Respondent also has a revocation for refusal to submit to a chemical test. Respondent was revoked for the refusal on [redacted] and the driving while intoxicated violations on [redacted]
7. Respondent received treatment in [redacted], because of the alcohol violations.
8. Respondent lives [redacted] Colorado. Respondent has lived there is the beginning of September. Respondent and [redacted] currently have an business.

#### CONCLUSIONS OF LAW

1. The Hearing Officer had jurisdiction to hear this matter as Respondent has a license restriction in another state, was noticed of the denial of a Colorado driving privilege, and requested a hearing on the matter.
2. Respondent meets the requirements to be issued a Colorado driving privilege pursuant to the following conditions, as Respondent has been under suspension for over one year, Respondent has not driven in over one year, and Respondent is a resident of Colorado.
3. Applying Colorado Law to Respondent's driving history: Respondent is a persistent drunk driver pursuant to § 42-1-102 (68.5) C.R.S. as Respondent has been convicted of two or more alcohol related driving violations and has been restrained as result of refusing a chemical test. Respondent is eligible to reinstate, but will be required to have an interlock device for two years as Respondent is a persistent drunk driver within the meaning of the law. See § 42-2-132.5 C.R.S.
4. Applying Colorado Law to Respondent's driving history: Respondent must also provide proof of SR 22 insurance and carry SR 22 insurance for three years. See § 42-7-408 C.R.S. Respondent must also complete Level II alcohol and drug education and treatment. See § 42-2-132 C.R.S.

**ORDER**

Applying Colorado Law to Respondent's driving history: Respondent is eligible for reinstatement with an interlock device. Respondent will be required to have the interlock device for two years, carry SR22 insurance for three years, and enroll in/complete Level II Alcohol and Drug Education and Treatment. DMV may assess if the treatment already completed by Respondent in \_\_\_\_\_ is sufficient to comply with the treatment and education required in Colorado.

Ordered December 14, 2016. Decision and order sent by email to Respondent's Attorney December 16, 2016.

\_\_\_\_\_  
Hearing Officer

If you wish to appeal this decision, you must file an appeal to the District Court, in the county of Colorado, in which you reside. If you do not reside in Colorado, then you must file an appeal to the District Court in Denver County. Your appeal must be filed within thirty-five (35) days of the issuance of this decision, pursuant to §§ 24-4-106 and 42-2-135 (1) C.R.S.