

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-14-28

STATE OF MAINE
Cumberland ss. Clerk's Office

YVETTE COTE,
Petitioner

)
) MAR 24 2015

v.

) RECEIVED DECISION AND
) ORDER

SECRETARY OF STATE,
Respondent

)
)
)

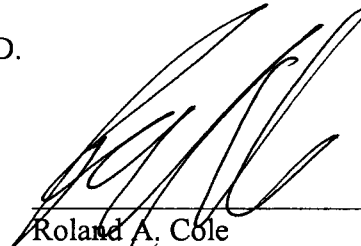
After review of the record, and the briefs and arguments of counsel, the entry and order is as follows:

Petitioner did not properly preserve her present argument for appellate review by presenting the argument to the agency in the first instance. *New England Whitewater Center, Inc. v. Dept. of Inland Fisheries & Wildlife*, 550 A.2d 56, 58 (Me. 1988). Even if she had, substantial evidence in the record supports the Hearing Examiner's conclusions that there was probable cause to believe that Petitioner operated a vehicle while under the influence of a combination of alcohol and drugs, and that she in fact operated a vehicle while under the influence of a confirmed drug. *Davric Maine Corp. v. Maine Harness Racing Comm'n.*, 1999 ME 99, ¶ 7, 732 A.2d 289, 293; *State v. Bradley*, 658 A.2d 236, 237 (Me. 1995)(quoting *State v. Bento*, 600 A.2d 1094, 1096 (Me. 1991)).

Accordingly, the Secretary of State's decision to administratively suspend Petitioner's license for three years for operating a motor vehicle while under the influence of drugs (second offense) is AFFIRMED and the appeal is DENIED.

DATED:

March 24, 2015



Roland A. Cole
Justice, Superior Court

Date Filed: 05/23/2014

CUMBERLAND
COUNTY

JUSTICE COLE
Docket No. AP14-0028

Action: 80C

YVETTE M COTE

DEPARTMENT OF THE SECRETARY OF
STATE BUREAU OF MOTOR VEHICLES

vs.

Plaintiff's Attorney

Defendant's Attorney

ANTHONY J SINENI, III ESQ
701 CONGRESS STREET
PORTLAND, ME 04101

DONALD MACOMBER AAG
6 STATE HOUSE STATION
AUGUSTA ME 04333

WHITNEY J HAYRE ESQ (**WITHDRAWN**)
701 CONGRESS STREET
PORTLAND ME 04101