

ANALYSIS

The Petitioner argues that this court should overturn the decision of the Secretary of State because, in her view, the videotape entered into evidence and other testimony could lead one to the conclusion that the Petitioner was not under the influence of intoxicants. The Petitioner essentially asks this court to weigh the evidence differently than the Hearing Officer apparently did and to reach a different conclusion as result. That is not the role of this court when reviewing the decision of an administrative agency pursuant to M.R. Civ. P. 80C.

As detailed on page 8 of the Respondent's brief, the record contains competent and substantial evidence that supports the conclusion that there was probable cause that the Petitioner operated under the influence of intoxicants. The Petitioner puts emphasis on other evidence that could contradict that conclusion. However, the videotape and other evidence relied upon by the Petitioner does not compel a different result. It would be improper for this court to engage in second-guessing of the agency as the Petitioner requests.

CONCLUSION

For the reasons stated above, the decision of the Secretary of State is **AFFIRMED**.

The Clerk is directed to incorporate this Order by reference into the docket for this case, pursuant to Rule 79(a), Maine Rules of Civil Procedure.

Dated: May 11, 2016


JUSTICE, MAINE SUPERIOR COURT