

04-850-CD  
EVAN JOSEPH STOYEK vs. COMMONWEALTH OF PENNSYLVANIA, et al.

**Evan Stoyek vs Comm of PA  
2004-850-CD**

11. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1-3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote the Pennsylvania Blackjack '94 Instant Lottery Game or through normal communications methods.

EILEEN H. MCNULTY,  
Secretary

[Pa.B. Doc. No. 94-2080. Filed for public inspection November 4, 1994, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Driver License Compact of 1961; Membership by Commonwealth

The Department of Transportation, Bureau of Driver Licensing, under the authority contained in Sections 6141, 6142 and 6146 of the Vehicle Code (75 Pa.C.S. 6141, 6142 and 6146), has entered the Driver License Compact of 1961.

The Driver License Compact (DLC) is a major step necessary to maximize law enforcement efforts against drunk drivers and other serious traffic offenders. Serious offenses, such as drunk driving, vehicle manslaughter, reckless driving, etc., are no less serious when committed in some other jurisdiction than when committed in the driver's home state. The licensing authority of a member state reports each conviction of a motorist to the licensing authority of the home state of the motorist. The licensing authority of the home state, for purposes of imposing a revocation, suspension or other limitation upon the motorist's privilege to operate a motor vehicle, shall give the same effect to the conduct reported as it would if such conduct had occurred in the home state.

The Driver Licensing Compact Commission membership consists of the Compact Administrator, or a designee from each jurisdiction that is party to the Compact. The Executive Committee of the Commission is charged with directing and supervising the affairs, committees and publications of the Commission, promoting its objectives and supervising disbursement of its funds. The American Association of Motor Vehicle Administrators (AAMVA) serves as the Secretariat.

The Commonwealth of Pennsylvania will become a member of the Driver License Compact of 1961, effective January 1, 1995.

Total membership on that date will be as follows:

Alabama	Hawaii
Arizona	Idaho
Arkansas	Illinois
Colorado	Indiana
Connecticut	Iowa
Delaware	Kansas
District of Columbia	Louisiana
Florida	Maine

Maryland	Oklahoma
Minnesota	Oregon
Mississippi	Pennsylvania
Missouri	Rhode Island
Nebraska	South Carolina
Nevada	South Dakota
New Hampshire	Tennessee
New Jersey	Texas
New Mexico	Utah
New York	Vermont
North Carolina	Virginia
North Dakota	Washington
Ohio	West Virginia
	Wyoming

Further requests for information, questions or comments may be directed to Lawrence J. Jones, Manager, Enforcement Section, Bureau of Driver Licensing, Room 314, Transportation and Safety Building, Harrisburg, PA 17120, (717) 787-5048.

HOWARD YERUSALIM, P.E.,

Secretary

[Pa.B. Doc. No. 94-2081. Filed for public inspection November 4, 1994, 9:00 a.m.]

### Retention of Engineering Firms

Montgomery and Philadelphia Counties  
Reference No. 08430AG1844

The Department of Transportation will retain an engineering firm to perform preliminary engineering, final design and construction consultation for S. R. 0076, Sections PM1, PM2, PM3 and PM4. These projects are sections of the Schuylkill Expressway in Upper Merion and Lower Merion Townships and West Conshohocken Borough in Montgomery County and the City of Philadelphia. The estimated project construction cost of all four sections is \$14 million.

The selected firm will be required to provide the following engineering and design services: surveys, roadway design, preparation of cross sections, soils and geological investigations, erosion and sedimentation control design, highway lighting design, structure design, hydrologic and hydraulic analysis, preparation of traffic control, pavement marking and signing plans, traffic signal design, sign lighting plans, utility coordination and design, coordination with PUC, DER, Corps of Engineers, municipal officials and the public, preparation of final plans, specifications and estimates, shop drawing reviews and alternate design review.

The selected firm will also be required to perform the following: conduct agency and public involvement activities, DER permits, Corps of Engineers 404 permits, formulating and participating in public involvement program and coordinating the development of the projects with various agencies and special interest groups.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract or are being considered to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipi-

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TOC: [New York Consolidated Laws Service, Constitution, Court Rules & ALS Combined](#) > /.../ > [ARTICLE 31. ALCOHOL AND DRUG-RELATED OFFENSES AND PROCEDURES APPLICABLE THERETO](#)  
> [§ 1192. Operating a motor vehicle while under the influence of alcohol or drugs](#)

Citation: [NY VEH TR 1192](#)

*NY CLS Veh & Tr § 1192*

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\*\* THIS SECTION IS CURRENT THROUGH CH. 262,  
08/02/2004 \*\*

\*\* WITH THE EXCEPTION OF CHS. 1-3, 50, 51, 53-60, 94, 109, 138, 143, 146, 151, 156,  
162, 170, 171, 186, 190, 198, 207 and 210-259 \*\*

VEHICLE AND TRAFFIC LAW  
TITLE VII. RULES OF THE ROAD  
ARTICLE 31. ALCOHOL AND DRUG-RELATED OFFENSES AND PROCEDURES APPLICABLE  
THERETO

**♦ GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION**

NY CLS Veh & Tr § 1192 (2004)

**§ 1192. Operating a motor vehicle while under the influence of alcohol or drugs**

1. Driving while ability impaired. No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol.
2. Driving while intoxicated; per se. No person shall operate a motor vehicle while such person has [fig 1] .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article.
3. Driving while intoxicated. No person shall operate a motor vehicle while in an intoxicated condition.
4. Driving while ability impaired by drugs. No person shall operate a motor vehicle while the person's ability to operate such a motor vehicle is impaired by the use of a drug as defined in this chapter.
5. Commercial motor vehicles: per se - level I. Notwithstanding the provisions of section eleven hundred ninety-five of this article, no person shall operate a commercial motor vehicle while such person has .04 of one per centum or more but not more than [fig 1] .06 of one per centum by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article; provided, however, nothing contained in this subdivision shall prohibit the imposition of a charge of a violation of subdivision one of this section, or of section eleven hundred ninety-two-a of this article where a person under the age of twenty-one operates a commercial motor vehicle where a chemical analysis of such person's blood, breath, urine, or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article, indicates that such operator has .02 of one per centum or more but less than .04 of one per centum by weight of alcohol in such operator's blood.

6. Commercial motor vehicles; per se - level II. Notwithstanding the provisions of section eleven hundred ninety-five of this article, no person shall operate a commercial motor vehicle while such person has more than [fig 1] .06 of one per centum but less than .08 of one per centum by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article; provided, however, nothing contained in this subdivision shall prohibit the imposition of a charge of a violation of subdivision one of this section.

7. Where applicable. The provisions of this section shall apply upon public highways, private roads open to motor vehicle traffic and any other parking lot. For the purposes of this section "parking lot" shall mean any area or areas of private property, including a driveway, near or contiguous to and provided in connection with premises and used as a means of access to and egress from a public highway to such premises and having a capacity for the parking of four or more motor vehicles. The provisions of this section shall not apply to any area or areas of private property comprising all or part of property on which is situated a one or two family residence.

8. Effect of prior out-of-state conviction. A prior out-of-state conviction for operating a motor vehicle while under the influence of alcohol or drugs shall be deemed to be a prior conviction of a violation of subdivision one of this section for purposes of determining penalties imposed under this section or for purposes of any administrative action required to be taken pursuant to subdivision two of section eleven hundred ninety-three of this article; provided, however, that such conduct, had it occurred in this state, would have constituted a violation of any of the provisions of this section. This subdivision shall only apply to convictions occurring on or after November twenty-ninth, nineteen hundred eighty-five.

8-a. Effect of prior finding of having consumed alcohol. A prior finding that a person under the age of twenty-one has operated a motor vehicle after having consumed alcohol pursuant to section eleven hundred ninety-four-a of this article shall have the same effect as a prior conviction of a violation of subdivision one of this section solely for the purpose of determining the length of any license suspension or revocation required to be imposed under any provision of this article, provided that the subsequent offense is committed prior to the expiration of the retention period for such prior offense or offenses set forth in paragraph (k) of subdivision one of section two hundred one of this chapter.

9. Conviction of a different charge. A driver may be convicted of a violation of subdivision one, two or three of this section, notwithstanding that the charge laid before the court alleged a violation of subdivision two or three of this section, and regardless of whether or not such conviction is based on a plea of guilty.

10. Plea bargain limitations.

(a) In any case wherein the charge laid before the court alleges a violation of subdivision two, three or four of this section, any plea of guilty thereafter entered in satisfaction of such charge must include at least a plea of guilty to the violation of the provisions of one of the subdivisions of this section, other than subdivision five or six, and no other disposition by plea of guilty to any other charge in satisfaction of such charge shall be authorized; provided, however, if the district attorney, upon reviewing the available evidence, determines that the charge of a violation of this section is not warranted, such district attorney may consent, and the court may allow a disposition by plea of guilty to another charge in satisfaction of such charge; provided, however, in all such cases, the court shall set forth upon the record the basis for such disposition. In any case wherein the charge laid before the court alleges a violation of subdivision one of this section and the operator was under the age of twenty-one at the time of such violation, any plea of guilty thereafter entered in satisfaction of such charge must include at least a plea of guilty to the violation of such subdivision; provided,

however, such charge may instead be satisfied as provided in paragraph (c) of this subdivision, and, provided further that, if the district attorney, upon reviewing the available evidence, determines that the charge of a violation of subdivision one of this section is not warranted, such district attorney may consent, and the court may allow a disposition by plea of guilty to another charge in satisfaction of such charge; provided, however, in all such cases, the court shall set forth upon the record the basis for such disposition.

(b) In any case wherein the charge laid before the court alleges a violation of subdivision one or six of this section while operating a commercial motor vehicle, any plea of guilty thereafter entered in satisfaction of such charge must include at least a plea of guilty to the violation of the provisions of one of the subdivisions of this section and no other disposition by plea of guilty to any other charge in satisfaction of such charge shall be authorized; provided, however, if the district attorney upon reviewing the available evidence determines that the charge of a violation of this section is not warranted, he may consent, and the court may allow, a disposition by plea of guilty to another charge is satisfaction of such charge.

(c) Except as provided in paragraph (b) of this subdivision, in any case wherein the charge laid before the court alleges a violation of subdivision one of this section by a person who was under the age of twenty-one at the time of commission of the offense, the court, with the consent of both parties, may allow the satisfaction of such charge by the defendant's agreement to be subject to action by the commissioner pursuant to section eleven hundred ninety-four-a of this article. In any such case, the defendant shall waive the right to a hearing under section eleven hundred ninety-four-a of this article and such waiver shall have the same force and effect as a finding of a violation of section eleven hundred ninety-two-a of this article entered after a hearing conducted pursuant to such section eleven hundred ninety-four-a. The defendant shall execute such waiver in open court, and, if represented by counsel, in the presence of his attorney, on a form to be provided by the commissioner, which shall be forwarded by the court to the commissioner within ninety-six hours. To be valid, such form shall, at a minimum, contain clear and conspicuous language advising the defendant that a duly executed waiver: (i) has the same force and effect as a guilty finding following a hearing pursuant to section eleven hundred ninety-four-a of this article; (ii) shall subject the defendant to the imposition of sanctions pursuant to such section eleven hundred ninety-four-a; and (iii) may subject the defendant to increased sanctions upon a subsequent violation of this section or section eleven hundred ninety-two-a of this article. Upon receipt of a duly executed waiver pursuant to this paragraph, the commissioner shall take such administrative action and impose such sanctions as may be required by section eleven hundred ninety-four-a of this article.

11. No person other than an operator of a commercial motor vehicle may be charged with or convicted of a violation of subdivision five or six of this section.

12. Driving while intoxicated or while ability impaired by drugs--serious physical injury or death. In every case where a person is charged with a violation of subdivision two, three or four of this section, the law enforcement officer alleging such charge shall make a clear notation in the "Description of Violation" section of a simplified traffic information if, arising out of the same incident, someone other than the person charged was killed or suffered serious physical injury as defined in section 10.00 of the penal law; such notation shall be in the form of a "D" if someone other than the person charged was killed and such notation shall be in the form of a "S.P.I." if someone other than the person charged suffered serious physical injury; provided, however, that the failure to make such notation shall in no way affect a charge for a violation of subdivision two, three or four of this section.

**‡ Legislative History:**

Add, L 1988, ch 47, § 18, eff Nov 1, 1988.

Former § 1192, add, L 1970, ch 275, § 3; amd, L 1971, ch 495, § 1, L 1972, ch 450, § 1, L

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TOC: [New York Consolidated Laws Service](#) > [/.../](#) > [ARTICLE 20. SUSPENSION AND REVOCATION](#)  
> [§ 516. Driver license compact](#)

Terms: [driver license compact](#) ([Edit Search](#))

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## NY CLS Veh & Tr § 516

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\*\* THIS SECTION IS CURRENT THROUGH CH. 262, 08/02/2004 \*\*  
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162, 170, 171, 186, 190, 198, 207 and 210-259 \*\*

### VEHICLE AND TRAFFIC LAW TITLE V. DRIVERS' LICENSES ARTICLE 20. SUSPENSION AND REVOCATION

#### ♦ [GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION](#)

NY CLS Veh & Tr § 516 (2004)

#### § 516. Driver license compact

1. The **driver license compact** is hereby enacted into law and entered into with all other jurisdictions joining therein in the form substantially as follows:

#### DRIVER LICENSE COMPACT

#### ARTICLE I

#### Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state and local laws and ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and

administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

## ARTICLE II

### Definitions

As used in this compact:

- (a) "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of Canada.
- (b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.
- (c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

## ARTICLE III

### Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

## ARTICLE IV

### Effect of Conviction

- (a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:
  - (1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;
  - (2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;
  - (3) Any felony in the commission of which a motor vehicle is used;
  - (4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.
- (b) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar

nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

## ARTICLE V

### Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

## ARTICLE VI

### Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

## ARTICLE VII

### Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

## ARTICLE VIII

### Entry Into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the

same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

## ARTICLE IX

### Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof of any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

(1) As used in the compact, the term "licensing authority" with reference to this state shall mean the department of motor vehicles. Said department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of the compact.

(2) The compact administrator provided for in article seven of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

(3) As used in the compact, with reference to this state, the term "executive head" shall mean the governor.

(4) The conduct to which effect shall be given pursuant to article four-a of the compact shall be conduct which, if it had occurred in this state, would have constituted an offense or violation within the meaning of subparagraphs (i) and (iii) of paragraph (a) of subdivision two, paragraph (f) of subdivision three of section five hundred ten and subparagraph seven of paragraph (b) of subdivision two of section eleven hundred ninety-three of the vehicle and traffic law.

(5) In any case where the application of subdivision five of section five hundred ten of the vehicle and traffic law would require or authorize a result different from that required by article five of the compact, said article five shall govern.

Add, L 1965, ch 650, § 1, eff Sept 1, 1965.

Compact, Art II, sub (a), amd, L 1986, ch 731, § 2, eff July 30, 1986.

Compact, Art IX, sub (4), amd, L 1966, ch 184, § 2, L 1986, ch 731, § 3, L 1988, ch 47, § 14, eff Nov 1, 1988.

### NOTES:

#### EDITOR'S NOTES:

See 1966 note under § 148-a.

#### CROSS REFERENCES:

This section referred to in §§ 502, 516-a

Suspension, revocation and reissuance of licenses and registrations, § 510

Sanctions, § 1193

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

EVAN JOSEPH STOYEK,  
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
Respondent

NO. 04-850-4

Type of Case: Appeal from Driver's  
License Suspension  
Type of Pleading: Appeal Petition

Filed on behalf of: Petitioner

Counsel of Record for this Party:  
David P. King, Esquire  
23 Beaver Drive  
P. O. Box 1016  
DuBois, PA 15801  
(814) 371-3760

Supreme Court No. 22980

FILED

JUN 11 2004

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

EVAN JOSEPH STOYEK, :  
Petitioner :  
: :  
vs. : NO. \_\_\_\_\_ C.D.  
: :  
COMMONWEALTH OF PENNSYLVANIA, :  
DEPARTMENT OF TRANSPORTATION, :  
Respondent :  
:

APPEAL  
PETITION FOR REVIEW OF ORDER OF DEPARTMENT OF  
TRANSPORTATION SUSPENDING OPERATING PRIVILEGE

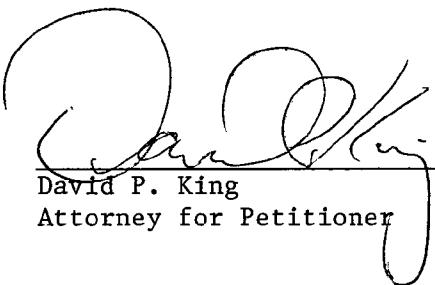
AND NOW, comes your Petitioner, EVAN JOSEPH STOYEK, through his Attorney, David P. King, and in support of his Petition pursuant to 75 Pa. Cons Stat. §1550 for Review of an Order of the Department of Transportation Suspending Petitioner's Operating Privilege, and in support thereof represents as follows:

1. The Petitioner is EVAN JOSEPH STOYEK, and he resides at 419 Juniata Street, DuBois, PA 15801.
2. Petitioner currently possesses a valid Driver's License issued to him by the Pennsylvania Department of Transportation, License Number 27191608.
3. By letter bearing mail date of May 14, 2004, Petitioner was notified in writing by the Department of Transportation of a suspension of his Driver's License and privileges in accordance with Article IV of Section 1581 of the Pennsylvania Vehicle Code as a result of an offense taking place in New York on January 25, 2004, and a conviction of such offense on February 10, 2004, for a violation which is a similar offense to Section 3731 of the Pennsylvania Motor Vehicle Code. A copy of this letter and notification is attached hereto as Exhibit "A", Pages 1 through 3.

4. The suspension as referred to herein is improper and unlawful, for the following reasons:

- (a) The offense is not substantially similar to Section 3731 of the Pennsylvania Vehicle Code to warrant the suspension of driving privileges in Pennsylvania;
- (b) The offense in the State of New York is to be appealed nunc pro tunc, and such conviction is anticipated to be vacated;
- (c) That the guilty plea that your Petitioner made to that offense in the State of New York is expected to be withdrawn by permission of the Court, or otherwise modified, consistent with the above; and
- (d) Thus, Petitioner will have no conviction of an offense that could be considered substantially similar to the Pennsylvania DUI Statute under Section 3731 of the Motor Vehicle Code.

WHEREFORE, Petitioner respectfully requests that the Court set this matter down forthwith for a de novo hearing, pursuant to 75 Pa. Cons. Stat. §1550, and that the Order of the Department of Transportation be set aside, and that Petitioner's Appeal be sustained.



David P. King  
Attorney for Petitioner

I verify that the statements made in this Appeal Petition for Review of Order of Department of Transportation Suspending Operating Privilege are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: June 10, 2004



Evan Joseph Stoyek

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: MAY 14, 2004

EVAN JOSEPH STOYEK  
419 JUNIATA STREET  
DU BOIS PA 15801

WID # 041286122243046 001  
PROCESSING DATE 05/07/2004  
DRIVER LICENSE # 27191608  
DATE OF BIRTH 10/14/1985

Dear MR. STOYEK:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1532B the Pennsylvania Vehicle Code. As a result of your 02/10/2004 conviction in NEW YORK:

- Your driving privilege is SUSPENDED for a period of 1 YEAR(S) effective 06/18/2004 at 12:01 a.m.
- Your driving record reflects a violation on 01/25/2004 that is similar to violating Section 3731 of the Pennsylvania Vehicle Code, DRIVING UNDER INFLUENCE.

Your conviction in NEW YORK is listed in Article IV of Section 1581 of the Pennsylvania Vehicle Code which mandates that PennDOT process specific out-of-state convictions as though they had occurred in Pennsylvania.

Before PennDOT can restore your driving privilege, you must follow the instructions in this letter for COMPLYING WITH THIS SUSPENSION, PAYING THE RESTORATION FEE and PROVIDING PROOF OF INSURANCE. You should follow ALL instructions very carefully. Even if you have served all the time on the suspension/revocation, we cannot restore your driving privilege until all the requirements are satisfied.

COMPLYING WITH THIS SUSPENSION

You must return all current Pennsylvania driver's licenses, learner's permits, temporary driver's licenses (camera cards) in your possession on or before 06/18/2004. You may surrender these items before, 06/18/2004, for earlier credit; however, you may not drive after these items are surrendered.

YOU MAY NOT RETAIN YOUR DRIVER'S LICENSE FOR IDENTIFICATION PURPOSES. However, you may apply for and obtain a photo identification card at any Driver License Center for a cost of \$10.00. You must present two (2) forms of proper iden-

tification (e.g., birth certificate, valid U.S. passport, marriage certificate, etc.) in order to obtain your photo identification card.

**You will not receive credit toward serving any suspension until we receive your license(s).** Complete the following steps to acknowledge this suspension.

1. Return all current Pennsylvania driver's licenses, learner's permits and/or camera cards to PennDOT. If you do not have any of these items, send a sworn notarized letter stating you are aware of the suspension of your driving privilege. You must specify in your letter why you are unable to return your driver's license. Remember: You may not retain your driver's license for identification purposes. Please send these items to:

Pennsylvania Department of Transportation  
Bureau of Driver Licensing  
P.O. Box 68693  
Harrisburg, PA 17106-8693

2. Upon receipt, review and acceptance of your Pennsylvania driver's license(s), learner's permit(s), and/or a sworn notarized letter, PennDOT will send you a receipt confirming the date that credit began. If you do not receive a receipt from us within 3 weeks, please contact our office. Otherwise, you will not be given credit toward serving this suspension. PennDOT phone numbers are listed at the end of this letter.
3. If you do not return all current driver license products, we must refer this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Pennsylvania Vehicle Code.

#### PAYING THE RESTORATION FEE

You must pay a restoration fee to PennDOT to be restored from a suspension/revocation of your driving privilege. To pay your restoration fee, complete the following steps:

1. Return the enclosed Application for Restoration. The amount due is listed on the application.
2. Write your driver's license number (listed on the first page) on the check or money order to ensure proper credit.
3. Follow the payment and mailing instructions on the back of the application.

**PROVIDING PROOF OF INSURANCE**

Within the last 30 days of your suspension/revocation, we will send you a letter asking that you provide proof of insurance at that time. This letter will list acceptable documents and what will be needed if you do not own a vehicle registered in Pennsylvania.

**IMPORTANT:** Please make sure that PennDOT is notified if you move from your current address. You may notify PennDOT of your address change by calling any of the phone numbers listed at the end of this letter.

**APPEAL**

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, MAY 14, 2004, of this letter. If you file an appeal in the County Court, the Court will give you a time-stamped certified copy of the appeal. In order for your appeal to be valid, you must send this time-stamped certified copy of the appeal by certified mail to:

Pennsylvania Department of Transportation  
Office of Chief Counsel  
Third Floor, Riverfront Office Center  
Harrisburg, PA 17104-2516

Remember, this is an OFFICIAL NOTICE OF SUSPENSION. You must return all current Pennsylvania driver license products to PennDOT by 06/18/2004.

Sincerely,

*Rebecca L. Bickley*

Rebecca L. Bickley, Director  
Bureau of Driver Licensing

**INFORMATION 7:00 a.m. to 9:00 p.m.**

IN STATE	1-800-932-4600	TDD IN STATE	1-800-228-0676
OUT-OF-STATE	717-391-6190	TDD OUT-OF-STATE	717-391-6191
WEB SITE ADDRESS	<u><a href="http://www.dmv.state.pa.us">www.dmv.state.pa.us</a></u>		

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

EVAN JOSEPH STOYEK

:

vs.

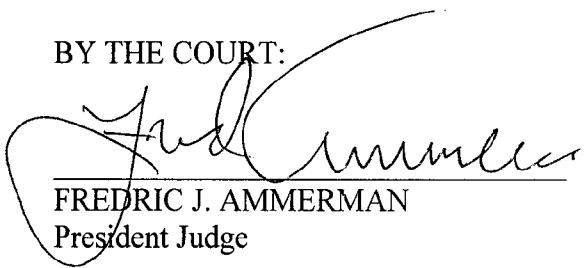
: No. 04-850-CD

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

ORDER

AND NOW, this 2<sup>nd</sup> day of September, 2004, it is the ORDER of the Court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for Friday, September 17, 2004 at 9:00 A.M. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in the Clearfield County Courthouse, Clearfield, PA. Please report to the Court Administrator's Office. You will be directed from there where these hearing will be heard.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

FILED 2cc to CIA-  
013-0261 # will Serve  
SEP 02 2004

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

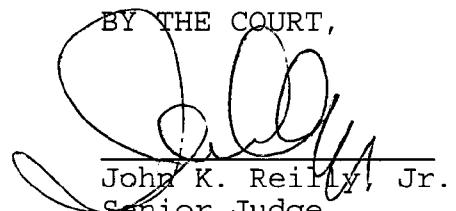
COMMONWEALTH OF PENNSYLVANIA : :

VS. : NO. 04-850-CD

EVAN JOSEPH STOYEK : License Suspension Appeal

O R D E R

NOW, this 17th day of September, 2004, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; it is the ORDER of this Court that said appeal be and is hereby dismissed and the action of the Department affirmed.

BY THE COURT,  
  
John K. Reilly, Jr.  
Senior Judge  
Specially Presiding

FILED <sup>EGL</sup>  
acc Atty King  
01/11/34/04 1CC Atty Huber  
SEP 20 2004

William A. Shaw  
Prothonotary/Clerk of Courts