

**STATE OF RHODE ISLAND
PROVIDENCE, Sc.**

**DISTRICT COURT
SIXTH DIVISION**

Alejandra Hernandez	:	
	:	
v.	:	6AA-2026-00008
	:	
Rhode Island Division of Motor Vehicles	:	
(Adjudication Office)	:	

ORDER

This matter is before the Court pursuant to § 8-8-8.1 of the General Laws for review of the Findings and Recommendations of the Magistrate.

After a de novo review of the record, the Court finds that the Findings and Recommendations of the Magistrate are supported by the record, and are an appropriate disposition of the facts and the law applicable thereto. It is, therefore,

ORDERED, ADJUDGED AND DECREED

that the Findings and Recommendations of the Magistrate are adopted by reference as the decision of the Court and the decision rendered by the Division of Motor Vehicles in this case is hereby AFFIRMED.

Entered as an Order of this Court at Providence on this 7th day of October, 2026.

By Order:

_____/s/_____
Jamie Hainsworth
Chief Clerk

Enter:

_____/s/_____
Jeanne E. LaFazia
Chief Judge

STATE OF RHODE ISLAND
PROVIDENCE, Sc.

DISTRICT COURT
SIXTH DIVISION

Alejandra Hernandez

v.

R.I. Division of Motor Vehicles
(Adjudication Office)

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6AA-2026-00008

FINDINGS AND RECOMMENDATIONS

Ippolito, M. In this case Ms. Alejandra Hernandez¹ urges that the Chief of the Adjudication Section of the Division of Motor Vehicles (the DMV) erred when he conditioned the reinstatement of her license to operate a motor vehicle upon a requirement that, for one year, she drive only vehicles in which ignition-interlock systems have been installed. Jurisdiction for the instant appeal is vested in the District Court by G.L. 1956 § 31-2-19 and the applicable standard of review is found in G.L. 1956 § 42-35-15(g). This matter has been referred to me for the making of findings and recommendations pursuant to G.L. 1956 § 8-8-8.1. After a review of the entire record I find, for the reasons explained below, that the decision which was rendered in Ms. Hernandez's case should be AFFIRMED. I so recommend.

¹ While the administrative documents forwarded to this Court by the DMV refer to the Appellant as "Alejandra Hernandez Rivera," she gives her name simply as "Alejandra Hernandez." *See Appeal Form*, which is included in the electronic record (*ER*) attached to this case, under the docket entry "02/05/2026 Appeal Filed," at 1. This Court shall defer to her styling of her name.

I
Facts and Travel of the Case

A review of the administrative record presented to this Court by the DMV reveals the following background to the instant case: on May 11, 2023, Ms. Hernandez entered a plea of *nolo contendere* to a charge of felony driving under the influence before a Justice of the Superior Court. *See* “Case Summary” of P2-2021-0703A, which is included in the electronic record (*ER*) attached to this case, under the docket entry “04/06/2026 Records Received,” at 9-13. The sentence imposed by the Court impacted Appellant’s operator’s license in two ways: *first*, her license was suspended for two years effective November 6, 2020; and *second*, she was ordered to use an Ignition Interlock System for one year. *See Case Summary*, at 1-2; *ER* at 9-10.

After the imposition of this sentence Ms. Hernandez’s driving privileges were suspended on three additional occasions. *See Appellant’s Driving Abstract*, at 1-2; *ER* at 3-4. On October 16, 2023, she was suspended for “Physical or Mental Disability”; and, on December 30, 2024 and December 1, 2025, she was suspended for “Failure Appear/Pay.” *Id.* at 1; *ER* at 3. On no occasion was she reinstated until December 12, 2025. *Id.*²

Then, on December 17, 2025, the Chief of the DMV’s Adjudication Office, Mr. J. Darren Stewart, issued a written decision regarding Appellant’s request for her license to be reinstated. *See Dec. of Chief of Adjudication*, at 1; *ER* at 5. At the outset of that ruling, he acknowledged the receipt by the DMV of a letter from Nowai Vessiales, a Substance Abuse Disorder Manager associated with Gateway Healthcare, regarding Ms.

² The entry on that date was “Reinstatement of Lic/PR.” *See Appellant’s Driving Abstract*, at 1; *ER* at 3. But questions remain as to the meaning of this entry. For instance — Was she reinstated in Rhode Island or elsewhere?

Hernandez Rivera's progress in addressing her substance abuse issues. *Id.*³ The decision then informed Appellant that her driving privileges would be restored subject to three conditions: (1) that she drive in a vehicle equipped with an interlock device for one year; (2) that she pay or resolve a certain Traffic Tribunal summons, and (3) that she pay a restoration fee of \$453.50. *Id.* It is from this Decision which Ms. Hernandez appeals in the case.

II

Law Applicable to the Case

A

Standard of Review — the Administrative Procedures Act

The standard of review which this Court must employ is enumerated in G.L. 1956 § 42-35-15(g), a provision of the Rhode Island Administrative Procedures Act (APA), which provides as follows:

(g) *Standard of review.* The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The district court judge may affirm the decision of the agency or remand the case for further proceedings, or it may reverse or modify the decision if the substantial rights of the appellant have been prejudicial because the administrative findings, inferences, conclusions or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the agency;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

³ The letter from Nowai Vessiales is contained in the electronic record, at 7.

Under the APA standard, the District Court “* * * may not substitute its judgment for that of the agency and must affirm the decision of the agency unless its findings are ‘clearly erroneous.’” *Guarino v. Dep’t of Soc. Welfare*, 122 R.I. 583, 588, 410 A.2d 425, 428 (1980) (citing § 42-35-15(g)(5)). Thus, the Court will not substitute its judgment for that of the agency (here, the Chief of the Adjudication Office) as to the weight of the evidence on questions of fact. *Cahoone v. Bd. of Rev. of the Dep’t of Emp’t Sec.*, 104 R.I. 503, 506, 246 A.2d 213, 215 (1968). Stated differently, the findings of the agency must be upheld even though a reasonable mind might have reached a contrary result. *Id.* at 506-07, 246 A.2d at 215.

B

Authority to Issue, Suspend, or Revoke Licenses

The Division of Motor Vehicles is granted the authority to issue licenses to operate motor vehicles by G.L. 1956 § 31-10-1. It is granted the *authority* to suspend or revoke licenses by several statutes. Among these are:

(1) G.L. 1956 § 31-11-5, authorizing suspensions when ordered by a judge of any Rhode Island court;⁴ and

(2) G.L. 1956 § 31-11-7(a)(1)(iii), granting the DMV the power to suspend where the operator “[p]oses an imminent safety risk to the general public as determined by the application of objectively ascertainable standards.” In many instances, the Medical Advisory Board will assist the DMV in determining whether a particular motorist poses a risk to public safety, as provided under this subdivision.

⁴ Also specifically, with regard to convictions for drunk driving, the DMV is required to suspend the motorist’s license for the period of time ordered by the Court. *See* G.L. 1956 § 31-11-6(3).

It often happens that suspensions under these two provisions occur sequentially. *First*, when a motorist is convicted of a traffic offense, the Court, as part of the sentence which is imposed, will order the defendant's operator's license to be suspended for a period permitted by the pertinent criminal statute; the DMV will then effectuate that suspension pursuant to § 31-11-5. And *second*, when the judicial suspension has been served out, the motorist's application for reinstatement will, under certain circumstances, trigger a suspension under § 31-11-7(a)(1)(iii), followed by an investigation (often aided by the Medical Advisory Board) into the motorist's potential for constituting a danger on the public highways.⁵

C

Substantive Law: The Medical Advisory Board

Within Rhode Island's Motor Vehicle Code may be found a provision which calls into being a group, known as the "Medical Advisory Board," which is empowered to act as an advisory panel to the DMV with regard to, *inter alia*, "any person's eligibility or continuing eligibility for a license is questioned on the grounds of physical or mental fitness" See G.L. 1956 § 31-10-44. The standards to be applied and the procedures to be

⁵ See G.L. 1956 § 31-11-10 (*requiring* DMV not to grant an application for reinstatement "until it is satisfied after investigation ... that it will be safe to license him or her to drive a motor vehicle on the public highways" In *Aaron Wilson v. Rhode Island Div. of Motor Vehicles (Adjudication Office)*, A.A. 2022-195, at 5-7 (Dist.Ct. 3/23/2023), this Court rejected the Appellant's effort to terminate the DMV's investigation into his fitness-to-operate under § 31-11-7(a)(1)(iii), based on the assertion that the judicial suspension fully resolved the incident. In rejecting this notion, the Court noted that the judicial suspension had a backward-looking purpose, while the fitness-inquiry was a forward-looking model, and that they were not mutually exclusive. *Id.* at 5-6. See also *Alvaro Resende v. Rhode Island Div. of Motor Vehicles (Adjudication Office)*, A.A. 2025-026, at 5-7, nn.19 & 23 (Dist.Ct. 11/26/2025) (citing DMV's duty to investigate under § 31-11-10 and *Wilson* for the proposition that the imposition of a judicial suspension in a criminal case "did not preclude a further suspension (or a refusal to reissue) pursuant to G.L. 1956 § 31-11-7(a)(1)(iii)"). Accord, *Kenneth Abbott v. Rhode Island Div. of Motor Vehicles (Adjudication Office)*, A.A. 2023-068, at 7-10 (Dist.Ct. 9/16/2024) and *James Sullivan v. Rhode Island Div. of Motor Vehicles (Adjudication Office)*, A.A. 2022-230, at 5-7 (Dist.Ct. 7/5/2023).

followed by the Medical Advisory Board are clarified by regulations codified at 280-RICR-30-05-3.1 *et seq.*

III Analysis

When she filed her appeal, Ms. Hernandez provided the following “Reasons for Appeal”, which are presented here in their entirety:

I am appealing this decision because 3/4 years when I thought I can get my license back I had spend (sic) money to put the lock on my car and took it and return the car. I don't have a car right now I am just able to use people car (sic) but I need my license back. I don't have the money for the lock. I have 4 kids, bills, rent of \$1950 a month. It will be to (sic) much for me. I been fighting to have my license back please. I have been doing a lot I can still see my counselor at Gateway and get pee test every to (sic) weeks. I been doing it a year ever week. I am able to proof everything that I been better.

Reasons for Appeal (in the electronic record (ER) attached to this case, under the docket entry “02/05/2026 Appeal Filed,” at 2).

Thus, Appellant endeavored to convey her financial hardship and her diligence in addressing her alcohol-abuse issues. Of course, neither of these arguments, even if fully credited, constitutes a basis upon which to set aside the DMV's decision. Nevertheless, rather than summarily rejecting Ms. Hernandez's appeal, it behooves us to ensure that the DMV's decision (requiring the use of the interlock device) had a proper basis in law. Doing so, I find that it did.

Unfortunately, the decision of the DMV does not cite the statutory authority upon which it grounded, as it should have. Perhaps the hearing officer assumed that Appellant would be satisfied to be reinstated and would not dispute the interlock condition; but she did, for the reasons recited in her Appeal Form. Nevertheless, it appears to this

Court that there are two statutory provisions upon which the instant decision might well have been based: (a) § 31-11-5, regarding suspensions ordered by a Court, and (b) § 31-11-7(a)(1)(iii), regarding suspensions where the motorist is deemed to pose a safety risk to the motoring public. In my estimation, each of these statutes provides a lawful basis for the DMV's decision.

As stated *supra* in part II-B of this opinion, § 31-11-5 gives the DMV the authority to suspend a license to operate a motor vehicle when ordered to do so by a judge of this state. As related *supra* at 2, Ms. Hernandez was sentenced for a felony charge of drunk driving on May 11, 2023. *See* “Case Summary” of case number P2-2021-0703A, *ER* at 9-13. As part of that sentence, Appellant was ordered to make use of an interlock device for one year. *ER* at 9-10.⁶ Since her license was not declared eligible for reinstatement until December of 2025, the interlock order had to be implemented at that time. So, the interlock order was lawful under § 31-11-15.

It also appears that Ms. Hernandez's matter was referred to the Medical Advisory Board for an evaluation to be made under § 31-11-7(a)(1)(iii).⁷ Now, the letter from her Substance Abuse Disorder Manager, Nowai Vessiales, was supportive of her application for reinstatement, but the Board and the DMV hearing officer retain discretion to act in the interest of public safety. It seems to this Court that the Decision of the DMV

⁶ The Superior Court Justice's authority to order Appellant to use an ignition interlock system is provided in G.L. 1956 § 31-27-2.8.

⁷ The seems to be the case because the letter from her Substance Abuse Program Manager, Nowai Vessiales, which is contained in the electronic record (*ER*) at 7, is addressed to the “Members of the Board.” Moreover, the Board found that this letter satisfied the standard for reinstatement set forth in 280-RICR-30-05-3.7(E), which is applicable to those operators, like Ms. Hernandez, who have been convicted of three or more alcohol-related offenses.

hearing officer conditioning Ms. Henandez's return to the highways on her use of an ignition-interlock device for one year was an eminently reasonable use of that power.⁸

IV Conclusion

Upon careful review of the evidence, I recommend that this Court find that the decision of the Division of Motor Vehicles was made upon lawful procedure and was not affected by error of law. Section 42-35-15(g)(3),(4). Furthermore, said decision is neither arbitrary nor capricious and is not clearly erroneous in view of the reliable, probative, and substantial evidence of record. Section 42-35-15(g)(5),(6). And, it is supported by the competent evidence of record.

Accordingly, I recommend that the decision rendered by the Division of Motor Vehicles in the instant case be AFFIRMED.

/s/
Joseph P. Ippolito
MAGISTRATE
October 7, 2026

⁸ Indeed, in a certain sense the DMV's action in this matter may be viewed as lenient. It would appear that the DMV's actions had the effect of *merging* the judicial interlock order with that which could have subsequently issued under § 31-11-7.