

IN THE SUPERIOR COURT OF CHATHAM COUNTY  
 STATE OF GEORGIA

Lacey Luke,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. SPCV22-01262-CO
	)	
Georgia Department of Driver	)	
Services and Spencer R. Moore,	)	
Commissioner,	)	
	)	
Respondents.	)	

---

ORDER ON PETITION TO REINSTATE DRIVER’S LICENSE

This matter came before the Court for a hearing on February 14, 2023. Both petitioner and respondent were represented by counsel. Upon consideration of the argument, record, and applicable law, the Court hereby AFFIRMS the final decision issued on November 9, 2022 in *Lacey Luke v. Department of Driver Services, Docket No. 2225156-DPS-ALS-25-Teate*.

In reviewing the underlying administrative decision,<sup>1</sup> the Court “may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The ‘any evidence’ test is the applicable touchstone and the presence of conflicting evidence is sufficient to satisfy that test.” *Bowman v. Palmour*, 209 Ga. App. 270, 270 (433 S.E.2d 380) (1993) (citations omitted). “The hearing officer's factual determination being supported by any evidence, may not be disturbed on appeal to the superior court ... absent some error of law.” *Feltham v. Cofer*, 149 Ga. App. 379, 381 (254 S.E.2d 499) (1979).

---

<sup>1</sup> This appeal is controlled by the Georgia Administrative Procedure Act. See O.C.G.A. § 40-5-67.1(h).

First, the Court finds that the underlying proceeding was conducted in accordance with Georgia law and pursuant to the powers granted to the Department of Driver Services under the law. See O.C.G.A. § 40-5-67.1(g)(1); O.C.G.A. § 50-13-2; Ga. Comp. R. & Regs. 375-1-1-.03.


Second, this Court finds that the underlying evidence supports the administrative law judge's decision, including that the arresting officer pulled over petitioner for running a red light, the documented existence of indicia of impairment, and that petitioner herself admitted that had smoked marijuana twenty (20) minutes prior to being stopped.

Further, the Court finds that the arresting officer properly informed petitioner of her rights under the law and the consequences of refusing to submit to testing for the presence of alcohol or other drugs. While petitioner initially agreed to such testing, she later withdrew that consent and thereafter refused to submit to such testing.

"The proceedings to suspend the appellant's driving privileges in these cases are strictly civil or administrative in nature since no criminal consequences result from a finding adverse to the appellant." *Cogdill v. Dep't of Pub. Safety*, 135 Ga. App. 339, 340 (217 S.E.2d 502) (1975). The Court finds that the other enumerations of error cited by respondent, namely constitutional challenges to the stop itself, are not germane to this appeal.

Petitioner's application for a stay of suspension is also DENIED as being moot.

SO ORDERED, this 6<sup>th</sup> day of April, 2023.

  
Lisa Goldwire Colbert, Judge  
Chatham County Superior Court  
E.J.C. of Georgia

cc: Gregory Crawford, *Attorney for Petitioner*  
Cristina Correia, *Attorney for Respondents*