

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

HURKAN A. YAGCI,

Petitioner,

v.

STATE OF FLORIDA DEPARTMENT
OF HIGHWAY SAFETY AND
MOTOR VEHICLES,

Respondent.

CASE NO.: 2010-CA-6310-O

WRIT NO.: 10-13

Petition for Writ of Certiorari
from the Florida Department of
Highway Safety and Motor Vehicles.

Neal T. McShane, Esq.,
for Petitioner.

Kimberly A. Gibbs, Assistant General Counsel,
for Respondent.

Before POWELL, O'KANE, and ARNOLD, J.J.

FINAL ORDER ON PETITION FOR WRIT OF CERTIORARI

Petitioner Yagci appeals by way of petition for writ of certiorari the Department of Highway Safety and Motor Vehicle's order suspending his driver's license for a period of one year. We dispense with oral argument pursuant to Florida Rule of Appellate Procedure 9.320.

The Department acted properly in revoking Petitioner's Florida driver's license for a period of one year in accordance with section 322.24, Florida Statutes based upon Petitioner's prior conviction in New York for the offense of Driving While Impaired by Alcohol (DWAI), a violation of New York Vehicle and Traffic Law, section 1192(1). *See Dawson v. Dep't of Highway Safety & Motor Vehicles*, 19 So. 3d 1001 (Fla. 4th DCA 2009). However, the

Department should correct Petitioner's Florida Transcript of Driver Record to read "Driving While Impaired by Alcohol" instead of "Driving Under the Influence."

Petitioner has a letter from his New York attorney stating that his DWAI conviction in New York is not a misdemeanor crime under New York law. But the attorney does not say it is a civil traffic infraction, which is the only thing it can be. Perhaps a revised letter to that effect from his New York attorney would be helpful to him when he applies for school or employment.

Petitioner's Petition for Writ of Certiorari is granted only with directions to the Department to correct his Florida Transcript of Driver Record, otherwise denied and case remanded.

PETITION GRANTED IN PART, DENIED IN PART and REMANDED with directions.

DONE AND ORDERED at Orlando, Florida this 9th day of February, 2012.

/S/
ROM W. POWELL
Senior Judge

/S/
JULIE H. O'KANE
Circuit Judge

/S/
C. JEFFERY ARNOLD
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order was furnished on this 9th day of February, 2012, to the following: **Neal T. McShane, Esq.**, 836 N. Highland Avenue, Orlando Florida 32803; and **Kimberly A. Gibbs, Assistant General Counsel**, P.O. Box 570066, Orlando, Florida 32857.

/S/
Judicial Assistant