

0510 828

Arrest Report

3441

FLORIDA HIGHWAY PATROL
P.O. BOX 540007, GREENACRES, FL 33454

Report Date / Time 9/10/2019 01:23 AM	Report Number FHP99ARR801535	Case Number/Cad Number FHPL19OFF059793 / LWRC19CAD165526	Reporting Officer Name SAYIH R. A.
Originating Agency ORI	Occur Date Time Range 09/09/2019 04:20:00 - 09/09/2019 04:20:00	Junsdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type OTHER	Location Description SB NOF R/SH			
Street Number	Street SB INTERSTATE 95 NOF GLADES RD	Apt/Lot/Bldg	City BOCA RATON	State FL	Zip Code 33431

Defendant

First Name WENDY	Middle Name ELLEN	Last Name LEVITT	Suffix	Race WHITE	Sex FEMALE	Height 501	Weight 95	Hair BRO	Eyes BLU
MNI #	SSN	Date of Birth 07/25/1969	Age 50	Place of Birth DETROIT MI USA	Drivers License or other ID L130885697650	State FL	ID Type E		
Address * RESIDENCE / 5155 EUROPA DR APT K , BOYNTON BEACH, FL 33437 /									

Arrest

Arrest Date/Time 9/9/2019 11:53:28 AM	Arrest Location Type RESIDENCE	Arrest Location Description				
Street Number	Street SB INTERSTATE 95 NOF GLADES RD	Apt/Lot/Bldg	County PALM BEACH	City BOCA RATON	State FL	Zip Code 33431

Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI ALCOHOL OR DRUGS			

Charge : S

Counts 1	Charge 318.14.3	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree S	Charge Level MISDEMEANOR	General Offense Code RESIST OFFICER	
Charge Description REFUSE TO ACCEPT SIGN CITATION OR POST BOND			

SCANNED

SEP 10 2019

DS Collins 7622

SAYIH R
3822

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Bond Set by Court

Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

Probable Cause

On Monday, September 9th, 2019, I Trooper Sayih #3822 was in service in Palm Beach County, FL. While on routine road patrol I was contacted by the Lake Worth Regional Communications Center (LWRCC) in regards to a crash involving roadblock and injuries southbound on Interstate 95 (State Road 9) north of Glades Rd. (State Road 808). When I arrived on scene I observed Boca Raton Fire Rescue on scene blocking the roadway due to a blue in color BMW and a white in color Mercury disabled in the inside two lanes. When Boca Raton Fire rescue was finished assisting the drivers involved in the crash, who both refused transportation to the hospital, I then began my crash investigation. (See Crash Report). Throughout the duration of my crash investigation I came into contact with the driver of the blue in color BMW, who the driver of the white in color Mercury was able to successfully place behind the wheel. The driver of the blue in color BMW was identified through her Florida driver license to be, Wendy Ellen Levitt 07/25/2019. As I spoke to Ms. Levitt on the side of the roadway during the crash investigation, I observed her eyes to be bloodshot and glossy along with the odor commonly associated with the smell of an unknown alcoholic beverage emitting from her breath as she spoke to me. Ms. Levitt's speech was very thick and slurred as she spoke and was very repetitive. Ms. Levitt was then advised that my crash investigation was concluded and that I would now be conducting a criminal DUI investigation due to me having reason to believe she was under the influence of alcohol and/or a controlled substance. Ms. Levitt was then read Miranda followed with questioning. Ms. Levitt was asked to begin to let me know what she remembered from before she entered her vehicle prior to the crash. Ms. Levitt stated that as she was traveling southbound she observed a vehicle in front of her apply its brakes resulting in her having to swerve out of the way. Ms. Levitt was asked in regards to her advising me she was driving, which vehicle she was operating to which she advised me she was operating the blue BMW that was on scene as she pointed at it. Ms. Levitt was asked where she was coming from and if she had anything to drink prior to operating her vehicle. Ms. Levitt stated that she was at a pub in Boynton Beach and that she had around two beers. Ms. Levitt was also asked if she takes any medication in which she replied she is currently prescribed Xanax (Alprazolam) and the last time she had taken it was around 5 hours prior to the crash. Ms. Levitt was asked if she had any physical defects or injuries that would prevent her from doing anything other than the airbag burns she had on her forearm that she had previously denied to get treated. Ms. Levitt advised me that she did not have anything wrong and was then requested to perform a series of roadside exercises. Ms. Levitt began to say that her arms were burning and was asked numerous times if she wanted to be transported to the hospital to which she denied and then stated she wanted to go and denied once more. Ms. Levitt also asked for additional ice packs that were once again provided to her by Boca Raton Fire Rescue. Once Ms. Levitt was done being assisted for the burn provided by the airbag deployment, she was requested again to perform a series of roadside exercises. Ms. Levitt stated that she did not know and was advised if she decided not to perform the exercises that I was requesting of her to perform, that I would base my decision of her impairment off of the information that

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I obtained and was provided to me along with my observations. Ms. Levitt was asked several more times before she then advised me that she would consent to perform the roadside exercises that were requested of her to perform. (See Roadside Task Sheet / Video)

The area for the following roadside exercises was level and free of debris. Subject agreed to use a straight solid yellow line provided by the roadway to perform the walk and turn exercise. Subject requested to take her shoes off for the exercises. Subject was asked if she had any problems with her eyes aside from corrective vision, or injuries that would prevent her from performing any of the exercises that will be requested of her to perform. Subject then advised me that she did not have anything any physical body injuries or limitations and would be able to perform the exercises.

Horizontal Gaze Nystagmus:

- LT EYE-LACK OF SMOOTH PURSUIT
- RT EYE-LACK OF SMOOTH PURSUIT
- LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- LT EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- RT EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Walk and Turn Exercise:

Interaction Phase:

- Subject swayed in starting position.
- Subject began exercise before instructed to do so.
- The exercise was then demonstrated and explained to the Subject.
- Subject advised she understood instructions and did not have any questions.
- Subject then had questions on how to perform the exercise during the exercise.
- Subject was not taking heel to toe steps on any of the steps taken.
- Subject did not turn around as instructed.
- Subject stopped during exercise.
- Subject took more steps than instructed.

One Leg Stand Exercise:

Interaction Phase:

- Subject was swaying while in starting position.
- As the exercise was being explained to the subject, she then interrupted me to turn around and show me a scar on her back now advising me of prior injuries she had stating that it was going to prevent her from performing the exercise. She was then asked why she did not advise me of the complication when she was initially asked to which she advised that she did not think of it before.

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- Subject was advised that she did not have to conduct the exercise due to the complication she was having.
- Subject began to start the exercise after being told she did not have to and not knowing the instructions of how to perform it.

Finger to Nose:

Interaction Phase:

- Subject was swaying while in the starting position.
- The exercise was demonstrated and explained to the Subject
- Subject advised she understood the instructions and did not have any questions.
- Subject exhibited eyelid tremors.
- On the subjects first attempt with her left finger she touched the tip of her nose with the pad of her finger and did not bring it back down as instructed. She was instructed again to bring her hand back to the starting position once she touches her nose.
- On the subjects second attempt with her right finger she touched the top portion of her nose with the pad of her finger. She was instructed again to bring her hand back to the starting position once she touches her nose.
- On the subjects third attempt with her left finger she touched the tip of her nose with the pad of her finger. She was instructed again to bring her hand back to the starting position once she touches her nose.
- On the subjects fourth attempt with her right finger she touched the top of her nose with the pad of her finger.
- On the subjects fifth attempt with her right finger she touched the tip of her nose with the pad of her finger.
- On the subjects sixth attempt with her left finger she touched the top of his nose with the pad of her finger.

Rhomberg Balance:

Interaction Phase:

- Subject was swayed while in the starting position.
- The exercise was demonstrated and explained to the Subject.
- Subject advised she understood the instructions and did not have any questions.
- Subject asked again on how to perform the exercise.
- Subject exhibited an approximate 2-inch orbital sway.
- Subject exhibited eyelid tremors.
- The Subject estimated 30 seconds in 38 seconds.

Due to the totality of the circumstances, Ms. Levitt was then placed under arrest for DUI pursuant to Florida Statue 316.193.1 at 11:53 PM. Ms. Levitt was then placed in my patrol vehicle where she was

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then transported to the Palm Beach County Jail's Breath alcohol testing facility (BAT). Inside the Palm Beach County Jail's breath alcohol testing facility (BAT) Ms. Levitt began a 20 minute observation prior to being provided an opportunity to provide a breath sample. After Ms. Levitt's 20 minute observation, she was given an opportunity to provide a breath sample to which she refused to provide at approximately 12:57 AM. Ms. Levitt began to become irate in the holding facility by stating she did not want to go to the hospital and refused to sign and accept any citations. She then began to slip out of her handcuffs and was then placed in the holding cell until she was situated and transported to Wellington Regional Medical Center to treat her forearm burns that were caused by the vehicles airbag along with obtaining medical clearance for the Palm Beach County Jail.

Video of the road side exercises and transport to the Palm Beach County Jail can be obtained through the FHP custodian

Video of the Palm Beach County Jail's BAT facility can be obtained through the Palm Beach County

Jail Bookin Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone Number
0.0000	PALM BEACH	PALM BEACH COUNTY CORRECTIONS	(561) 688-4400

Booking Facility Location

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Number

Booking Comments

Court



Court County	Court Location		
PALM BEACH	200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court	Court Phone	Court Appearance Date / Time	Court Fine
PALM BEACH SOUTH COUNTY COURTHOUSE	561-274-1530	10/08/2019 08:30 AM	
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
SAYIH R. A. TROOPER 3822	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL1LWRC1PALM BEACH BROW LN TO SR804

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The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name SAYIH R. A.	Office Rank TROOPER	Officer ID No 3822	Sworn and subscribed before me, the undersigned authority This the <u>10</u> day of <u>September</u> , 2019 DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		 SHARI L. O'NEAL Notary Public - State of Florida Commission # 75966854 My Comm. Expires Expired through

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

2

AGENCY: FHP Top Sayib #3322

SUBJECT: Levitt, Wendy E. CASE NUMBER: 19-113346

DATE: 09-10-19 VIDEO TAPE NUMBER: 1

BEGINNING TIME: 0050hrs ENDING TIME: 0053hrs

BREATH TESTS RESULTS: 1) B TIME 0057 A.M./P.M. 2) _____ TIME _____ A.M./P.M.

3) _____ TIME _____ A.M./P.M. 4) _____ TIME _____ A.M./P.M.

BREATH OPERATOR: S. O'Neal #6212

MAINTENANCE TECHNICIAN: Cpl. Markste #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Emotional, Crying, Complaining, Dramatic

CLOTHING: Shirt-Black & White / Pant Pants-Black No Shoes

MEDICAL CONDITIONS: Hernia Disc, Anxiety

MEDICATIONS: Xanax, Muscle Relaxer - Flexorol Not spelling

OTHER: Eyes: Very Red, Watery from crying

Odor of unknown alcoholic beverage

COMMENTS: 20 min. observation done by AIO Sayib #3322

AIO requested the breath test.

D refused the breath request.

AIO read the implied consent on camera.

D understood the IIC was read.

D still refused the request after the IIC was read.

C/W read on camera.

D refused Q&A.

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, TPR. SAYITH #3822, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of FLORIDA HIGHWAY PATROL, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 9TH day of SEPT, 2019, at 1153 P.M. A.M.

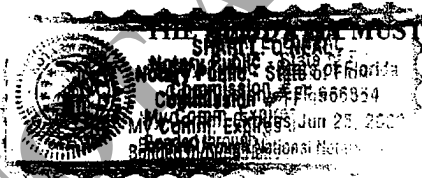
DRIVER WENDY ELLEN LEVITT
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# L130885697650 state of FLORIDA, was placed under lawful arrest for
the offense of DUI by TPR. SAYITH #3822 and
issued Citation # A76SN8E
(Name of Arresting Officer)

That on or about the 10TH day of SEPT, 2019, at 0057 P.M. A.M.
in PALM BEACH County,

I requested that the driver submit to a breath and/or urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

#3822
Signature of Law Enforcement Officer or
Correctional Officer



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 10 day of September 20 19,

by _____,
who is personally known to me or who has produced
_____ as identification

Notary Public [Signature]

HSMV-BAR1001 (REV. 10/2016)

MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.



**PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET**

PBSO CASE # 19-113346

AGENCY CASE# FHPL19OFF059793

AGENCY ZONE _____

CRASH CASE # FHPL19OFF059793

TIME OF STOP/CRASH 10:35 PM

DATE 09/10/2019

DAY MONDAY

SUBJECT'S NAME WENDY ELLEN LEVITT

RACE W

SEX F

HGT 501

WGT 95

DOB 07/25/1969

LOCATION SB SR 9 NOF GLADES RD

ARRESTING OFFICER'S NAME & ID TPR. SAYIH #3822

AGENCY FLORIDA HIGHWAY PATROL

DIVISION: LAKE WORTH

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 00:35 AM

BREATH RESULTS:

ARREST TIME 11:53 PM

1. _____
2. _____
3. _____
4. _____

TESTING OFFICER'S ID 6212

PBSO VIDEOTAPE # N/A

NOT A CERTIFIED COPY

SUBJECT: WENDY LEVITT CASE NUMBER: FHPU90FFOS9793

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol content.

-OR-

I am now requesting that you submit to a lawful test of your URINE for the purpose of detecting the presence of chemical or controlled substances.

-OR-

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am JPR - SAYIH #3802 of the FHP

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

SUBJECT'S SIGNATURE: (X) READ ON CAMERA

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X) READ ON CAMERA

SUBJECT: WENDY LEVITT

CASE NUMBER: FHPU90FF059793

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE:

- EPILEPSY? _____
- GLASS EYE? _____
- FALSE TEETH? _____
- EAR INFECTION? _____
- INNER EAR TROUBLE? _____
- DIABETES? _____

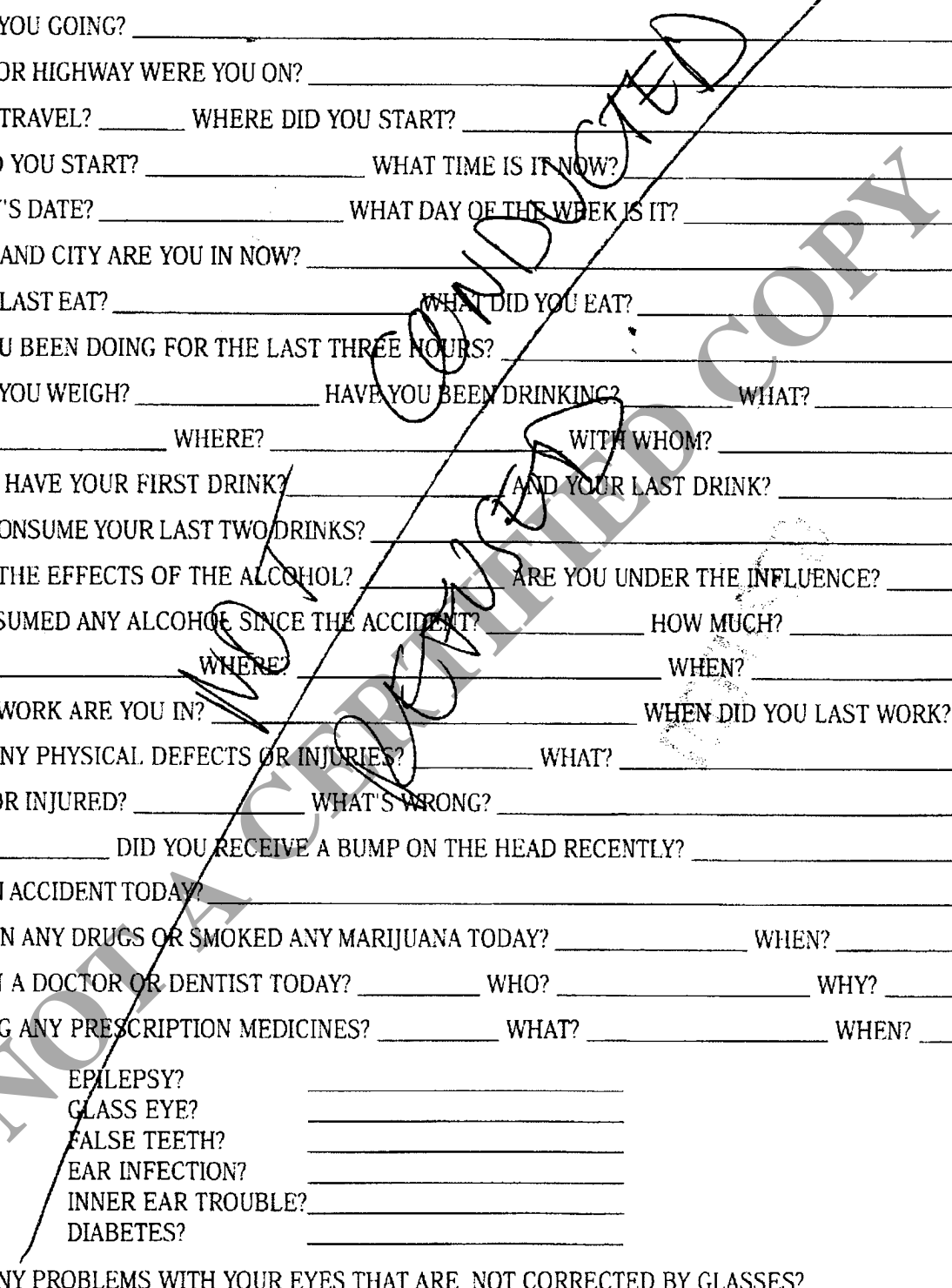
DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: TPR. SAYIH #3822

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL





Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>	415.107 (1)	Other: Elderly Abuse	
	<input type="checkbox"/>	3119.0712 (2)	Other: Personal Information Contained in a Motor Vehicle Record	

REVIEW COMPLETED BY

Booking Number: 2019029436	Date: 09/10/2019
	Specialist Name/ID: M. Tooks #8557