

MARC D. LEBLANC

v.

SECRETARY OF STATE

Submitted on Briefs November 28, 2012

Decided December 4, 2012

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, MEAD, GORMAN, and
JABAR, JJ.

MEMORANDUM OF DECISION

Marc D. Leblanc appeals from a judgment of the Superior Court (Androscoggin County, *MG Kennedy, J.*) affirming the Secretary of State's decision to uphold the suspension of Leblanc's driver's license pursuant to 29-A M.R.S. § 2485 (2011), after determining that Leblanc operated a motor vehicle with an excessive alcohol level pursuant to 29-A M.R.S. § 2453 (2011). Contrary to Leblanc's contention, the Secretary's delay in holding a hearing and issuing a decision did not violate his due process rights. *See Nunez-Colon v. Toledo-Davila*, 648 F.3d 15, 22-23 (1st Cir. 2011). Leblanc also contends that there was insufficient evidence in the administrative record for the Secretary to determine that Leblanc operated a motor vehicle with an excessive alcohol level. Leblanc, however, failed to preserve that argument for appeal. *See Forest Ecology Network v. Land Use Regulation Comm'n*, 2012 ME 36, ¶ 24, 39 A.3d 74.

The entry is:

Judgment affirmed.

On the briefs:

William Maselli, Esq., and Eric Larsson, Esq., Portland, for appellant Marc D. Leblanc

William J. Schneider, Attorney General, and Donald W. Macomber, Asst. Atty. Gen., for appellee Secretary of State of Maine

Androscoggin County Superior Court docket number AP-12-05
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