

STATE OF MICHIGAN
COURT OF APPEALS

JOSEPH FRANK JAYE,

Plaintiff-Appellant,

v

SECRETARY OF STATE,

Defendant-Appellee.

UNPUBLISHED

July 30, 1996

No. 174476

LC No. 94-000388-AL

Before: Hood, P.J. and Griffin, and J. F. Foley,* JJ.

MEMORANDUM.

Plaintiff appeals as of right from the circuit court order affirming the Secretary of State's order denying his appeal of the suspension of his driver's license for failing to submit to a chemical test. We affirm.

Plaintiff has failed to furnish this Court with a copy of the administrative record, thus waiving appellate review of the issue relating to the hearing officer's determination that the stop of plaintiff's vehicle was unlawful. MCR 7.210(B)(1)(a); *People v Anderson*, 209 Mich App 527, 535; 531 NW2d 780 (1995). The failure of the arresting officers to forward a written report to the Secretary of State pursuant to MCL 257.625d; MSA 9.2325(4) does not provide a proper basis for reversal. Nothing in § 625d(2) of the motor vehicle code indicates that it is designed for the protection of the rights of drunk driving suspects. See *People v Smith*, 200 Mich App 237, 241; 504 NW2d 21 (1993). In any event, all relevant evidence was available to the administrative hearing officer, so omission of the report did not result in any erroneous determination of a factual issue. Cf. *People v Willis*, 180 Mich App 31; 446 NW2d 562 (1989). Because no constitutional right was violated and because the statute is not intended or designed to protect the rights of persons in plaintiff's position, any illegal police conduct does not furnish a proper basis for

relieving plaintiff of the statutory sanctions consequent upon his refusal to submit to a chemical breath test. See *People v Clark*, 181 Mich App 577, 580; 450 NW2d 75 (1989).

Affirmed.

/s/ Harold Hood

/s/ Richard Allen Griffin

/s/ John F. Foley