

STATE OF INDIANA
BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:) Case No. 17-IL-069
[REDACTED])
DLN: [REDACTED])

FINAL ORDER

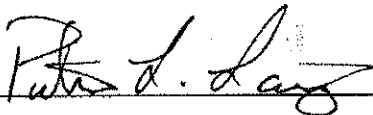
1. On October 10, 2017, [REDACTED] ("Petitioner") requested administrative review of the Indiana Bureau of Motor Vehicles' ("BMV") decision to suspend his driving privileges.
2. The matter was referred to Administrative Law Judge Steven Sams ("ALJ") for review under Indiana Code § 4-21.5-3-7. A hearing was held on November 30, 2017. The BMV was represented by BMV Attorney Natalie Huffman.
3. The hearing was recorded. The BMV proffered testimony and offered exhibits into evidence. Petitioner testified on his own behalf.
 - a. On September 14, 2017, BMV received a Nonresident Violator Compact Report ("Report") regarding the Petitioner. The Report provided that Petitioner had failed to answer a citation, pay fines, penalties, and/or costs associated with a citation for speeding from June 21, 2017 in Fulton, Missouri.
 - b. On September 18, 2017, in light of the Report, BMV notified Petitioner that his Indiana driving privileges would be suspended until such time that the Missouri citation was resolved.
 - c. Petitioner's Certified Drivers' Record was admitted into evidence without objection.
 - d. Petitioner testified that he disputed the accuracy of the Report and that he did appear before the appropriate Missouri court on October 18, 2017.
4. On December 12, 2017, the ALJ issued a written Recommended Order that affirmed BMV's action of suspending the Petitioner's driving privileges.
5. On December 27, 2017, Petitioner requested a reconsideration of the Recommended Order. Petitioner maintains that he resolved the issue in Missouri and as a result, his driving privileges should be reinstated.

6. Pursuant to Indiana Code § 9-28-1-3, Indiana adopts and enters into the Driver License Compact ("Compact"). Article 1 of the Compact states that it is the policy of each party state to promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles by considering compliance with the Compact a condition precedent to the continuance or issuance of any license.
7. Article 5 of the Compact provides that a party state shall not issue a license to an applicant who holds or has ever held a license to drive issued by any other party state if (1) such license has been suspended by reason of a violation and if such a suspension period has not been terminated; or (2) such license has been revoked by reason of a violation and such revocation has not terminated, except after one (1) year from the date of revocation, the person may make application for a new license if permitted by law.
8. Upon review of evidence and testimony received, I find that there is sufficient information to sustain the December 12, 2017 Recommended Order.
9. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's December 12, 2017 Recommended Order.
10. In order for the Petitioner's driving privileges to be reinstated, Petitioner would be required to have Missouri officials submit documentation, directly to the BMV, that provides that the issue involving the Missouri citation has been resolved.
11. Petitioner is hereby notified that this is a Final Order. Petitioner may seek judicial review of this Final Order pursuant to I.C. 4-21.5-5.

SO ORDERED.

12 Feb 2018

Date



Peter L. Lacy, Commissioner

Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

Petitioner:

Indiana Bureau of Motor Vehicles