

STATE OF INDIANA  
BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:                     )  
 [REDACTED]                                     )  
 DLN: [REDACTED]                             )                     Case No. 17-IL-090

FINAL ORDER

1. On December 1, 2017, [REDACTED] ("Petitioner") requested administrative review of the Indiana Bureau of Motor Vehicles' ("BMV") decision to deny his request for a credential.
2. The matter was referred to Administrative Law Judge Steven Sams ("ALJ") for review under Indiana Code § 4-21.5-3-7(a). A hearing was held on February 8, 2018. The BMV was represented by Attorney Natalie Huffman.
3. The hearing was recorded. Petitioner appeared in person, *pro se*, and was sworn. The BMV and Petitioner proffered testimony and offered exhibits into evidence.
  - a. Petitioner was denied an Indiana credential after the BMV search of the National Driver Register revealed that Petitioner has two (2) unresolved suspensions in the State of Illinois, with effective dates of July 27, 2014 and May 12, 2017, in regards to an "Unsatisfied Judgment."
  - b. Petitioner has one unresolved revocation from the State of Illinois, with an effective date of July 5, 2006, in regards to "Driving under the Influence of Alcohol."
  - c. Petitioner also has two unresolved suspensions from the State of Ohio, with effective dates of June 27, 1999 and August 11, 1999, in regards to a "Misrepresentation of Identify or other facts on Application for Driver's License" and "Reckless Driving."
  - d. Petitioner's Certified Driver's Record was admitted into evidence without objection.
  - e. Petitioner testified he had attempted to resolve the suspensions Illinois and offered into evidence correspondence from Illinois that provided a child support case was "Unenforceable."
  - f. Petitioner also offered into evidence documentation from Illinois, which denied his prior request in 2016 to reinstate his Illinois driving privileges so that he could obtain credentials in another state.
4. On February 27, 2018, the ALJ issued a written Recommended Order that affirmed BMV's action of denying Petitioner's request for a credential.

5. On March 8, 2018, Petitioner requested a reconsideration of the Recommended Order. Petitioner provided that he believed that the ALJ failed to consider all of the evidence and testimony that had been presented at the February 8, 2018 hearing. Petitioner advised that any outstanding situations in Illinois are due to court error and that there was nothing he could do to resolve said issues. As to the Ohio suspensions, Petitioner provided that he had paid all fees that were owed.
  
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. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's February 27, 2018 Recommended Order. Petitioner has four unresolved suspensions, two in Illinois and two in Ohio. Until Illinois and Ohio remove the suspensions from Petitioner's driving record, by law Indiana is prohibited from issuing Petitioner a driving credential.
  
9. 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.

30 April 2018

Date

Peter L. Lacy

Peter L. Lacy, Commissioner

Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

Petitioner

Indiana Bureau of Motor Vehicles