## STATE OF INDIANA

## BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:	)	Case No. 19-OS-004
	)	
DLN:	)	

## FINAL ORDER

- 1. Motor Vehicles' ("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 May 28, 2019.
- 3. The hearing was recorded. The BMV proffered testimony and offered exhibits into evidence. Petitioner testified on his own behalf.
  - a. BMV received a Notice from Illinois that Petitioner had received a non-pointable citation violation on October 17, 2018 and thereafter failed to comply with the conditions of the citation.
  - b. On April 13, 2019, in light of the information received from Illinois, BMV notified Petitioner that his Indiana driving privileges would be suspended on May 3, 2019, unless the Illinois citation was resolved.
  - c. Petitioner's Certified Drivers' Record was admitted into evidence without objection.
- 4. On June 20, 2019, the ALJ issued a written Recommended Order that affirmed BMV's action of suspending the Petitioner's driving privileges.
- 5. On July 1, 2019, Petitioner requested a reconsideration of the Recommended Order. Petitioner provided documentation regarding a February 18, 2019 violation issued by the City of Chicago.
- 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suspended by reason of a violation and if such a suspension period has not been terminated; or (2) such license has been revoked by reason of a violation and such revocation has not terminated, except after one (1) year from the date of revocation, the person may make application for a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 June 20, 2019 Recommended Order. There is no correlation between the offense which resulted in Petitioner's current suspension that occurred on October 17, 2018, and the documentation submitted by Petitioner in his request for reconsideration, which details a February 18, 2019 violation.
- 9. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's June 20, 2019 Recommended Order.
- 10. 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.

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