

**STATE OF INDIANA**  
**BUREAU OF MOTOR VEHICLES**

---

In the Matter of [REDACTED], DL# [REDACTED] Petitioner.

---

**FINAL ORDER**

1. This matter comes before me as a result of a Notice of Appeal filed by [REDACTED] by letter of April 28, 2014 (received on April 29, 2014) seeking administrative review of a decision by Administrative Law Judge Pamela Walters, Esq. to place Petitioner [REDACTED] on probation for a learner's permit violation.
2. On March 12, 2014, Petitioner [REDACTED] was found guilty of a learner permit violation in St. Joseph County Superior Court No. 2, and the court notified the Indiana Bureau of Motor Vehicles ("BMV") of its judgment.
3. This matter was referred to ALJ Walters for a hearing, which was scheduled for April 11, 2014. Petitioner [REDACTED] was notified of the hearing but did not appear, and ALJ Walters issued a Recommended Order placing Petitioner [REDACTED] on probation for 6 months, citing Ind. Code §9-30-4-1(1), § 4-21.5-3-27(a) and 140 IAC 1-1-8.
4. Petitioner [REDACTED] now asks for administrative review of ALJ Walters' decision, as is her right under Ind. Code §9-30-4-3, Ind. Code § 4-21.5-3-29(d) and 140 IAC 1-1-11.
5. Nothing in Ind. Code §9-24-7 specifically permits or directs the BMV to take any action on a learner's permit violation.
6. While Ind. Code §9-30-4-3 allows the BMV to suspend or revoke driving privileges "upon any reasonable ground appearing on the records of the bureau," probation is not specifically

mentioned as an option, and Petitioner [REDACTED]'s infraction would not likely support suspension or revocation.

7. Therefore, the Recommended Order is NOT AFFIRMED, and Petitioner [REDACTED]'s Objection to the Recommended Order is hereby GRANTED.
8. Petitioner [REDACTED] shall not be placed on probation, and the BMV's Credential Management Department is hereby instructed to modify her driver record to whatever extent necessary to ensure it is consistent with this Order.
9. Any and all other penalties stemming from Petitioner's infractions, such as the assignment or accumulation of points for purposes of Indiana's Point System for Indiana Traffic Convictions (see 140 IAC 1-4.5), shall remain unaffected by this Order.
10. Petitioner [REDACTED] is hereby notified that this is a FINAL ORDER. Petitioner may seek judicial review of this FINAL ORDER by filing a petition for review with the appropriate court within thirty (30) days after the date that notice of this FINAL ORDER was served, plus three (3) additional days if notice is served through the United States mail. See: Ind. Code §§ 4-21.5-3-2, 4-21.5-5.
11. Pursuant to Ind. Code § 4-21.5-3-32, this FINAL ORDER shall be made available for public inspection and copying. It shall be indexed by name and subject. All identifying details shall be deleted from the public copy of this Order per Ind. Code § 5-14-3, with written justification for all deletions explained in writing and attached to the public copy of this FINAL ORDER.

SO ORDERED.

5-21-2014

Date



Donald M. Snemis, Commissioner  
Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

████████████████████

BMV Credential Management

Pamela Walters, Esq.