

STATE OF INDIANA
BUREAU OF MOTOR VEHICLES

IN THE MATTER OF ██████, DL# ██████,
PETITIONER.

FINAL ORDER

1. This matter comes before me as a result of a Notice of Appeal submitted by Petitioner ██████ by letter of February 14, 2014. Ms. ██████ seeks administrative review of a decision by Administrative Law Judge Pamela Walters, Esq. to place Ms. ██████ on probation for six (6) month as a result of her conviction for a learner's permit violation on September 13, 2013.
2. This matter was referred to ALJ Walters for a hearing per Ind. Code § 4-21.5-3-26 and 140 IAC 1-1-1 *et seq.* At the hearing, the BMV presented evidence that Ms. ██████ was convicted of a learner permit violation in Warren Circuit Court on October 28, 2013. Ms. ██████ did not appear for the hearing despite notice.
3. ALJ Walters issued a Recommended Order per Ind. Code § 4-21.5-3-27(a) and 140 IAC 1-1-8 on February 3, 2004. A copy is attached hereto and incorporated as if fully stated herein.
4. Ms. ██████ objects to the Recommended Order per Ind. Code § 4-21.5-3-29(d) and 140 IAC 1-1-11, and urges me to dissolve the Recommended Order and reject the ALJ's recommended sanctions.
5. As grounds for her objection, Ms. ██████ cites the fact that she was in China due to family issues and therefore unavailable for the hearing. Further, she states that she has a valid Driving License issued by the People's Republic of China that she inadvertently failed to show the police when she was cited.

6. Ms. [REDACTED] had an opportunity to ask the ALJ to move the hearing to a more convenient day but did not do so. Thus, her unavailability is not a valid excuse at this late date.
7. However, even if Ms. [REDACTED] had attended the hearing and offered the reasoning in her letter, the ALJ's recommendations would have still been appropriate. Whether Ms. [REDACTED]'s Chinese Driver's License should have excused her conduct was a matter for the Warrick Circuit Court, not the BMV. She was found guilty, and the BMV is bound by the judgment of the court.
8. Thus, the Recommended Order is hereby AFFIRMED, and Ms. [REDACTED]'s Notice of Appeal and Objection to the Recommended Order are hereby DENIED.
9. As recommended by the ALJ, the BMV shall place Ms. [REDACTED] on PROBATION for six (6) months, from March 3, 2014 to September 2, 2014.
10. Ms. [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.

2-19-2014

Date



Donald M. Snemis, Commissioner
Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

[REDACTED]

BMV Driver Record Management

Pamela Walters, Esq.