

STATE OF INDIANA
BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:) Case No. 17-IL-037
[REDACTED])
DLN: [REDACTED])

FINAL ORDER

1. On May 24, 2017, Petitioner [REDACTED] ("Petitioner") requested administrative review of the Indiana Bureau of Motor Vehicles' ("BMV") denial of a credential issuance.
2. The matter was referred to Administrative Law Judge ("ALJ") Steven Sams for review under Indiana Code § 4-21.5-3-7(a). A hearing was held on August 9, 2017. The BMV was represented by BMV Attorney Natalie Raver.
3. The hearing was recorded. The BMV proffered testimony and offered three exhibits into evidence. Petitioner testified on his own behalf.
 - a. Petitioner was denied an Indiana credential after the BMV search of the National Driver Register revealed that the Petitioner has three (3) unresolved suspensions from Michigan, one of which being indefinite. The effective dates of the suspensions ranged from May 30, 1998 to April 13, 2015 and relate to "Refused to Submit to Test for Alcohol" and a "Withdrawal -Non-ACD Violation."
 - b. Petitioner's Certified Driver's Record was admitted into evidence without objection.
 - c. Petitioner testified he was employed and lived approximately 13 miles from his place of employment.
4. On August 30, 2017 ALJ Sams issued a written Recommended Order that affirmed BMV's action of denying Petitioner's request for a credential.
5. By letter received September 11, 2017, Petitioner requested a reconsideration of the Recommended Order. Petitioner maintains that he completed all of the necessary requirements as ordered under the Michigan suspensions and challenges the accuracy of the information contained on his Driver's Record.
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 during the August 9, 2017 hearing, Petitioner has three outstanding suspensions in Michigan.
9. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's August 30, 2017 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.

6 Nov 2017


Date

Peter L. Lacy

Peter L. Lacy, Commissioner

Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:


Indiana Bureau of Motor Vehicles