

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 Petitioner [REDACTED] by handwritten letter that was sent by facsimile on April 18, 2014. It seeks administrative review of a decision by the Safety, Responsibility and Driver Improvement Division of the Indiana Bureau of Motor Vehicles ("BMV") to suspend the Petitioner's driving privileges for 90 days due to out-of-state violations reported to the BMV by the State of Illinois.
2. Pursuant to Ind. Code § 9-28-1-6, Petitioner [REDACTED] is entitled to administrative review under Ind. Code § 4-21.5.
3. This matter was referred to Administrative Law Judge Pamela Walters, Esq. for review and the issuance of a Recommended Order per Ind. Code § 4-21.5-3-27(a) and 140 IAC 1-1-8. The Recommended Order was completed on March 28, 2014 by ALJ Walters, and a copy is attached hereto.
4. Petitioner [REDACTED] objected 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 reconsider the penalty imposed. Petitioner [REDACTED] cites financial hardship, a misunderstanding of the effect of her out-of-state violations upon her Indiana driver's license and various undeveloped arguments regarding her Constitutional rights, including the "5th Amendment," "Due Process," and "Double Jeopardy."

5. None of Petitioner [REDACTED]'s arguments go to the core issue: the applicable law requires the BMV to give effect to the Illinois violations as if they had occurred in Indiana, and requires the BMV to impose the penalties associated with those violations. In Indiana, the penalty for driving while suspended is "not less than ninety (90) days and not more than two (2) years." (Ind. Code § 9-24-19-5(a)). The BMV imposed the minimum sentence allowed by Indiana law.
6. Therefore, the Recommended Order is hereby AFFIRMED. Petitioner [REDACTED]'s Notice of Appeal and Objection to the Recommended Order is DENIED. Petitioner [REDACTED]'s suspension will remain in place, as required by Indiana law.
7. 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 review 30 days after the date that notice of this FINAL ORDER was served, plus 3 additional days if notice is served through the United States mail. See: Ind. Code §§ 4-21.5-3-2, 4-21.5-5.
8. 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.

MAY 20, 2014

Date



Donald M. Snemis, Commissioner
Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

[REDACTED] 30061

BMV Driver Record Management

Pamela Walters, Esq.