



STATE OF INDIANA  
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

FILED: Mar 6, 2026

██████████  
Petitioner,

Administrative Cause Nos.: BMV-2510-005522

V.

Bureau of Motor Vehicles,  
Respondent.

**Ultimate Authority:** Office of Administrative Law Proceedings

**FINAL ADMINISTRATIVE DECISION**

The Administrative Law Judge (ALJ) Elizabeth Gamboa, having heard the evidence and arguments presented in this matter, now issues this Final Order addressing the decision by the Bureau of Motor Vehicles denying ██████████ request to replace ██████████ Real ID driver's license with a non-Real ID compliant driver's license. **This decision is favorable to the Bureau of Motor Vehicles.** Any party dissatisfied with this decision may appeal. Appeal instructions are at the end of this document.

**Jurisdiction**

The ALJ assigned to this matter by the Director of the Office of Administrative Law Proceedings (OALP), see Ind. Code § 4-15-10.5-13, has jurisdiction over this case pursuant to I.C. § 4-15-10.5-12, which gives OALP jurisdiction over agency administrative actions subject to the Indiana Administrative Orders and Procedures Act at I.C. § 4-21.5 (AOPA) or "any other statute that requires or allows the office to take action." The OALP has jurisdiction over this case because this case is governed by AOPA.

**Issue**

The issue in this case is: whether ██████████ ("Petitioner") request to the Bureau of Motor Vehicles ("Respondent" or "BMV") for a non-Real ID compliant driver's license should be granted when the request was made after Petitioner had been issued a Real ID.

## Procedural History

1. On October 21, 2025, Petitioner filed a request for administrative review of the Respondent's denial of Petitioner's request for a non-Real ID compliant driver's license after Petitioner was issued a Real ID-compliant driver's license.
2. An Initial Prehearing Conference was held as scheduled on December 3, 2025. During the conference, an administrative hearing was scheduled for February 12, 2026.
3. The administrative hearing was held telephonically on February 12, 2026, using the Zoom platform. The ALJ presided over the hearing telephonically. The Petitioner appeared, self-represented. The Respondent was represented by counsel, Laura Keith.
4. Petitioner and Michele Lyda testified at the administrative hearing.
5. The following Exhibits were admitted into evidence without objection:<sup>1</sup>
  - a. Petitioner's Exhibit 1, Real ID Documentation Checklist (1 page).
  - b. Petitioner's Exhibit 2, TSA Acceptable Identification at the TSA Checkpoint, published at <https://www.tsa.gov/travel/security-screening/identification> (3 pages).
  - c. Petitioner's Exhibit 3, The Main Security Features of a Passport, published at <https://vanciscaptial.com/insight/the-main-security-features-of-a-passport> (5 pages).
  - d. Petitioner's Exhibit 4, *Security Expert Warns REAL ID Database Creates Major Hacking, Privacy Risks*, published at <https://idtechwire.com/security-expert-warns-real-id-creates-major-hacking-privacy-risks> (7 pages).
  - e. Petitioner's Exhibit 5, *Indiana BMV Explains why it sells driver data*, published at <https://www.wrtv.com/news/wrtv-investigates/indiana-bmv-explains-why-it-sells-driver-data> (13 pages).
  - f. *Petitioner's Exhibit 8, Chairman Rand Paul Introduces the Safeguarding Personal Information Act of 2025*, published at <https://www.hsgac.senate.gov/media/rep/chairman-rand-paul-introduces-the-safeguard-personal-information-act-of-2025/> (2 pages).
  - g. Petitioner's Exhibit 9, *Testimony in Support of LD 160*, (2 pages).
  - h. Respondent's Exhibit A, BMV Letter to the Petitioner dated October 10, 2025 (1 page).

---

<sup>1</sup> Petitioner's Exhibits 6 and 7 were excluded from evidence on BMV's objections.

- i. Respondent's Exhibit B, Petitioner's Operator's License Application dated October 24, 2023 (6 pages).
  - j. Respondent's Exhibit C Excerpt from TSA Official Website FAQ, dated May 27, 2025 (3 pages).
6. Upon Respondent's request pursuant to IC § 4-21.5-3-26(f), and without objection by the Petitioner, the ALJ took official notice of the following:
- a. Respondent's Attachment 1, 140 IAC 7-1.1-3(a) (1 page)
  - b. Respondent's Attachment 2, IC § 9-24-11-2 (1 page)

### **Findings of Fact**

7. Michele Lyda (Lyda) is the Director of Credentials for the BMV. Lyda carries out policies for issuing credentials and compliance with Indiana statute. See Lyda testimony.
8. The Real ID Act of 2005<sup>2</sup> directs states to issue driver's licenses and identification cards (collectively referred to as "credentials") that meet specific security standards. The purpose of the Act is to standardize documentation acceptable to issue a compliant credential and safeguard the integrity of credentials issued by BMV. Indiana began offering credentials in compliance with the Real ID Act in 2010. All fifty states currently issue Real IDs. See Id.
9. For the purposes of this Order, credentials issued by BMV that comply with the verification process of the Real ID Act will be referred to as "compliant credentials" and credentials issued without undergoing the verification process will be referred to as "noncompliant credentials."
10. BMV customers seeking to renew a credential or to obtain a new credential have an option under limited circumstances to obtain a noncompliant credential, which is explained in the credential application provided to customers. See Id.
11. When an individual submits the documents needed for a compliant credential, those documents are verified and become a part of the driver's BMV record. The driver is then listed in BMV driver records as Real ID compliant. See Id.

---

<sup>2</sup>See 6 C.F.R 37.1

When counsel for Respondent referred to the Act in her direct examination of Lyda, counsel referred to the Act as the "Real ID Act of 2025." However, other evidence presented by Respondent referred to the Act as the Act of 2005.

12. When issuing credentials, BMV cannot ignore the fact that an individual's BMV record shows the driver is Real ID compliant. See *Id.*
13. Data concerning compliant credentials and noncompliant credentials are stored in the same BMV database. See *Id.*
14. Petitioner applied for, and received, a compliant driver's license on October 24, 2023, before Petitioner's previous license expired. Petitioner provided BMV with her birth certificate, her marriage certificate, her social security card, a bank statement, and an insurance bill with the application for verification. Respondent's Exhibit B.
15. Petitioner signed the "Residency and Applicant Verification" portion of the application which provides, in relevant part:

I hereby swear or affirm that I have provided all information on this application (including all addendums) for an Indiana BMV-issued driver's license or learner's permit and that it is accurate. Therefore, I authorize the Indiana BMV to verify the information I have provided for the application, including my identity, lawful status, residency, and social security number documentation.

*Id.*

16. Respondent denied Petitioner's request for a noncompliant driver's license by letter dated October 10, 2025. Respondent's Exhibit A.
17. Petitioner requested the noncompliant credential so that she could use her passport for identification instead of her Real ID. Petitioner submitted articles questioning the security of the data stored by the BMV, privacy concerns, and hacking concerns to support her request for the noncompliant credential. See Petitioner's testimony, Petitioner's Exhibits 3-9.

### **Conclusions of Law**

16. The administrative proceeding is conducted under the provisions of IC § 4-21.5-3.
17. The ALJ may not defer to the agency's initial determination and merely determine whether the agency's action was reasonable. *Indiana Dept. of Natural Resources v. United Refuse Co., Inc.*, 615 N.E.2d 100, 104 (1993). An administrative case must be heard under a de novo standard of review. IC § 4-21.5-3-14. The ALJ is required to hold a hearing, weigh evidence presented at the hearing, and make findings of fact

based upon the evidence presented at the hearing. *United Refuse Co., Inc.*, 615 N.E.2d at 104; IC § 4-21.5-3-27(a).

18. Petitioner appeals the denial of her request to obtain a noncompliant Indiana driver's license after having previously received a Real ID compliant license. Under I.C. § 4-21.5-3-14(c), Petitioner bears the burden of proof.

19. The BMV "may issue all permits and driver's licenses required by law for the operation of a motor vehicle in a manner the bureau considers necessary and prudent." I.C. § 9-24-11-2.

20. 140 IAC 7-1.1-3 lists the qualified documents or information an applicant for an initial, a renewed, and an amended driver's license must submit to the BMV to comply with the Act.

21. The BMV may issue a noncompliant credential under the following circumstances:

A U.S. citizen, as verified through bureau records or the applicant's documents, who applies for a renewed, a replacement, or an amended driver's license or identification card and otherwise qualifies for a driver's license or an identification card, but does not comply with the documentation requirements in this section, may receive a driver's license or an identification card with a notation that the driver's license or identification card may not be accepted for federal identification purpose.

140 IAC 7-1.1-3.

22. While a person applying for a renewed, replacement, or amended credential may be issued a noncompliant credential under 140 IAC 7-1.1-3, there is nothing in the rule that allows a person who provides the required information and obtains a compliant credential to later obtain a noncompliant credential.

23. Further, there is nothing in 140 IAC 7-1.1-3 that allows the Respondent to revoke or to rescind a compliant credential once it has been issued.

24. Petitioner has not provided citation to any federal or state provisions that give the Respondent authority to rescind or revoke the Real ID status of a driver's license once a compliant credential has been issued. The ALJ's own research likewise yielded no such provisions.

25. The Petitioner consented to the Real ID verification process when Petitioner applied for a driver's license in October, 2023. The BMV may not ignore the fact that

Petitioner's information has been verified and that Petitioner has been listed as Real ID compliant.

26. Petitioner's reason for requesting her Real ID status be changed is alleged safety concerns with the information gathered by BMV and her belief that a passport issued by the federal government is less likely to be hacked compared to a compliant credential and is a much safer form of identification.
27. BMV stores all of the information that it receives in the same database. Further, the BMV cannot prevent Petitioner from obtaining a passport and using the passport as identification where accepted.
28. The ALJ must apply the laws applicable to the agency and may not order the agency to take an action that is not permitted by law. There is no statute or regulation that gives the BMV the ability to rescind Petitioner's Real ID; therefore, the ALJ may not order the BMV to take this action.
29. Petitioners did not meet the burden of proof in this matter. The BMV's action is therefore upheld.

### **Final Order**

The BMV's action of denying Petitioners' requests to issue non-Real-ID compliant credentials is **UPHELD**.

So ordered on: March 6, 2026.



---

Elizabeth Gamboa  
Administrative Law Judge

### **Appeal Rights**

A person who wishes to seek judicial review of this final determination must file a petition for review in an appropriate court within 30 days of the date this Order was served. See IC § 4-21.5-5-5. Guidance for calculating deadlines may be found at IC § 4-21.5-3-2.

Other requirements for a petition for judicial review may be found at IC § 4-21.5-5. A petition for judicial review must be served on the Office of Administrative Law Proceedings at [OALP@oalp.in.gov](mailto:OALP@oalp.in.gov) to ensure the Office prepares the record that will be filed in the court presiding over the judicial review.

**Distribution:**

[REDACTED] Petitioner, by email at [REDACTED]

BMV, Respondent, by counsel, by email at [lkeith@bmv.in.gov](mailto:lkeith@bmv.in.gov).