STATE OF INDIANA

BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:)	Case No. 17-OS-025
)	
DLN:)	

FINAL ORDER

- 1. On December 1, 2016, Petitioner ("Petitioner") requested administrative review of the Indiana Bureau of Motor Vehicles' ("BMV") decision to suspend her driving privileges.
- 2. The matter was referred to Administrative Law Judge Steven Sams ("ALJ") for review under Indiana Code § 4-21.5-3-7(a). A hearing was held on January 12, 2017. The BMV was represented by Associate General Counsel Kyle Bonick.
- 3. Petitioner failed to appear at the hearing, either in person or by a legal representative. A person identified as the second was in attendance. We would not acknowledge that she was the Petitioner or the Petitioner's legal representative. The ALJ provided a February 1, 2017 deadline for the parties to submit pre-hearing briefs regarding ability to represent the Petitioner.
- 4. On March 16, 2017, the ALJ issued an order that Petitioner had failed to set forth any argument that would establish that Petitioner and were legally equivalent entities. The ALJ issued an order that set a hearing ("Hearing") on the merits of Petitioner's appeal for April 27, 2017. The order provided that the Hearing would be held in Petitioner's absence should she fail to appear.
- 5. On April 27, 2017, the Hearing was conducted and recorded. The BMV offered exhibits into evidence. BMV was represented by BMV Deputy General Counsel Lori Schein. Petitioner failed to appear.
 - a. Petitioner holds a valid Indiana operator's license, which expires on June 1, 2019. Petitioner's license status is currently "suspended-infraction."
 - b. On September 3, 2016, Petitioner was cited for speeding in the Hamilton County Municipal Court in the State of Ohio.
 - c. A copy of Ohio's Notice of Suspension of Petitioner's driving privileges was admitted into evidence. The notice provided that Petitioner's driving privileges had been suspended in Ohio as a result of a failure to respond to a citation, appear in court, or pay the respective fine.
 - d. Petitioner's Certified Driver's Record was admitted into evidence.

- 6. On July 26, 2017 the ALJ issued a written Recommended Order that affirmed BMV's action of indefinitely suspending Petitioner's driving privileges until such time as Petitioner complies with the requirements of the Ohio violation.
- 7. By letter dated August 14, 2017, Petitioner requested a reconsideration of the Recommended Order.
- 8. 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.
- 9. 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.
- 10. Upon review of Petitioner's current driving record, Petitioner has an outstanding suspension in Ohio.
- 11. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's July 26, 2017 Recommended Order.
- 12. 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.

15 Sept 2017

Date

Peter L. Lacy, Commissioner

Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

Indiana Bureau of Motor Vehicles