

**STATE OF INDIANA**  
**BUREAU OF MOTOR VEHICLES**

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IN THE MATTER OF:                    )                    Case No. 18-IL-093  
[REDACTED]                            )  
DLN: [REDACTED]                    )

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FINAL ORDER

1. On November 14, 2018, [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 Steven Sams (“ALJ”) for review under Indiana Code § 4-21.5-3-7(a). A hearing was held on January 16, 2019. The BMV was represented by Attorney Ashley Merritt.
3. The hearing was recorded. Witnesses were sworn. The BMV and Petitioner proffered testimony and offered exhibits into evidence.
  - a. Petitioner was denied an Indiana credential after the BMV search of the National Driver Register revealed that the Petitioner has one unresolved revocation in the State of Illinois, with an effective date of June 11, 2008, in regard to “Driving under the Influence of Alcohol with BAC at or over .08.”
  - b. Petitioner’s Certified Driver’s Record was admitted into evidence without objection.
  - c. Correspondence between the Petitioner and the State of Illinois was submitted into evidence by Petitioner which provided that Petitioner would not be eligible to amend his Illinois driving record to remove the revocation until 2027.
4. On January 23, 2019, the ALJ issued a written Recommended Order that affirmed BMV’s action of denying Petitioner’s request for a credential.
5. On February 8, 2019, Petitioner requested a reconsideration of the Recommended Order. Petitioner emphasized that as the revocation has been effective for more than one year, the BMV was allowed under the Driver’s License Compact to issue Petitioner a credential. Further Petitioner provided documentation that the State of Illinois, via its Secretary of State, that it does not object to another state issuing full or restricted driving privileges to an individual with an open revocation in Illinois, as long as more than one year has elapsed since the effective date of the revocation and the person meets all of the residency requirements of the new state.

6. The pending Illinois revocation involved has an effective date of greater than one year and therefore, pursuant to Article 5 of the Driver's License Compact, said revocation may be waived in assessing eligibility for the issuance of an Indiana credential.
7. Petitioner's last motor vehicle offense occurred in 2017, when he was convicted of driving under the influence of alcohol or drugs, in the State of Indiana. Between 1999 and 2017, Petitioner was convicted of driving under the influence on four occasions.
8. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's January 23, 2019 Recommended Order. Petitioner is correct that the State of Indiana may waive the open revocation from Illinois. However in light of Petitioner's driving history, where he has been convicted on four separate occasions of driving under the influence between 1999 and 2017, I believe there is sufficient information contained in the record to substantiate the ALJ's Recommended Order.
9. 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.

10 April 2019

Date

Peter L. Lacy

Peter L. Lacy, Commissioner

Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

Petitioner

Indiana Bureau of Motor Vehicles