

State of Indiana
Bureau of Motor Vehicles

IN THE MATTER OF:

CASE NO. 16-OS-024

DLN: [REDACTED]

FINAL ORDER

1. This matter comes before me following receipt of a request for reconsideration of the Recommended Order issued by Administrative Law Judge (“ALJ”) Steven Sams on December 22, 2016.
2. By letter dated December 29, 2016, Petitioner [REDACTED] (“[REDACTED]”) requested administrative review of a potential suspension of his driving privileges by the Indiana Bureau of Motor Vehicles (“BMV”) due to an out-of-state failure to comply with a citation, specifically in the state of Wyoming.
3. This matter was referred to ALJ Sams for review under Indiana Code § 4-21.5-3-7(a). A hearing was held on December 20, 2016. The BMV was represented by attorney Kyle Bonick. Petitioner appeared by telephone and *pro se*.
4. The hearing was recorded. Witnesses were sworn. The BMV proffered witness testimony and offered BMV Exhibits 1 through 3 into evidence.
5. At the hearing, evidence established:
 - a. [REDACTED] Indiana operator’s license expired on November 9, 2007.
 - b. On May 18, 2016, [REDACTED] was cited in the state of Wyoming for “speeding,” and was subsequently convicted on June 24, 2016.
 - c. The BMV received a Notice of Noncompliance and Request for Suspension from the state of Wyoming on or around September 19, 2016. It detailed the May 18, 2016 speeding ticket received by [REDACTED] as well as [REDACTED] failure to respond to the citation on June 24, 2016.
 - d. The BMV notified [REDACTED] of his failure to comply with the Wyoming citation on September 28, 2016.
6. Per Indiana Code § 4-21.5-3-29, an objection to the ALJ’s Recommended Order must:
 - (1) be filed with the BMV Commissioner within eighteen (18) days, and (2) identify the

basis of the objection with reasonable particularity. Although [REDACTED] filed what must be considered his appeal within the requisite 18-day period, [REDACTED] does not identify with any reasonable particularity the legal deficiency of the Recommended Order.

7. Further, BMV action in this case is an accurate representation of the facts and law at issue as the BMV action in this case is required by the Driver License Compact ("Compact"). At Indiana Code § 9-28-1-3 Indiana adopts and enters into the Compact, which provides that it is the policy of each party state to promote compliance with the laws relating to the operation of motor vehicles by the party state's operators in other jurisdictions. Party states do so by considering compliance with the Compact a condition precedent to the continuance or issuance of any license. Relevant portions of the Compact state:

- a. "The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond, or other security; and shall include any special findings made in connection therewith." Indiana Code § 9-28-1-3, Article 3.
- b. As to other convictions not listed in Article 4(a) of the Compact, those convictions "reported pursuant to Article 3, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state." Indiana Code § 9-28-1-3, Article 4.

8. Indiana Code § 9-28-2-9 (d) states that upon holding a hearing, the Bureau may suspend driving privileges until the conditions of the citation are met or a release from the citing jurisdiction, Wyoming in this case, is obtained.

9. [REDACTED] admits to receiving a speeding citation in Wyoming in the text of his appeal. [REDACTED] also mentions an additional, separate citation that he may have received in addition to the speeding citation issued by the state of Wyoming to [REDACTED] on May 18, 2016. At issue in this case is solely the May 18, 2016 speeding citation.

These facts and conclusions of law substantiate the ALJ's Recommended Order, which affirmed the BMV suspension of [REDACTED] driving privileges.

SO ORDERED.

4 MARCH 2017
Date

Peter L. Lacy
Peter L. Lacy, Commissioner
Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:
[REDACTED]
Indiana Bureau of Motor Vehicles