

State of Indiana
Bureau of Motor Vehicles

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| In the Matter of ██████████) | Case No. 15-OS-025 |
| DL # ██████████) | |
| Petitioner) | |

FINAL ORDER

1. This matter comes before me as a result of a hearing request filed by Petitioner ██████████ (██████████) on July 24, 2015, seeking administrative review of a decision by the Indiana Bureau of Motor Vehicles ("BMV") to suspend ██████████ Indiana driving privileges indefinitely upon notification of multiple judgments against ██████████ in the state of Florida.
2. This matter was referred to Administrative Law Judge ("ALJ") Steven Sams, Esq., per Indiana Code § 4-21.5-3-27(a), for review and the issuance of a Recommended Order, which was completed on October 9, 2015.
3. ██████████ filed an appeal on October 22, 2015, objecting to the ALJ's Recommended Order. Per Indiana Code § 4-21.5-3-29, an objection to the ALJ's Recommended Order must: (1) identify the basis of the objection with reasonable particularity; and (2) be filed with the Commissioner within eighteen (18) days. Though ██████████ filed this appeal within the requisite 18-day period, the appeal fails to identify any basis for reconsideration beyond a collection of "Constitutional Questions" (e.g., "Presumption of Innocence", "Burden of Proof", "Proof Beyond a reasonable doubt", and "5th Amendment Rights"), such that, according to ██████████ "Indiana Code 9-28-1-3¹ has not been met." While I am sympathetic to ██████████'s circumstances, all individuals seeking reconsideration must comply with Indiana Code § 4-21.5-3-29, regardless of whether they are represented by counsel, or proceed on a pro se basis.
4. Procedural deficiencies notwithstanding, ██████████ has two outstanding license suspensions in Florida.² Pursuant to Indiana Code § 9-28-2-9 (the Non-Resident Violator Compact³):

(a) Upon written notification from a jurisdiction that is a party to an agreement entered into under this chapter, the [BMV] shall take appropriate action against

¹ Pursuant to I.C. § 9-28-1-3, "The driver license compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein[.]"

² On July 16, 2015, the BMV received two "Non-CDL Out-of-State FTA/FTP/FTC Suspension Notice" reports from the State of Florida for ██████████, detailing two failure to pay suspensions. These reports were entered into evidence during the October 6, 2015 hearing as BMV-1 and BMV-2.

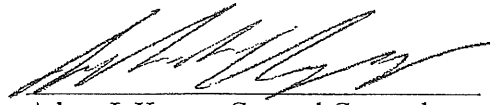
³ Florida has also adopted the Non-Resident Violator Compact. See Fla. Stat. Ann. § 322.50.

a licensed driver for failure to meet the conditions set out in the citation of the jurisdiction in which the traffic offense occurred.

- (b) The [BMV] shall notify the driver by first class mail of the request by the respective jurisdiction to have the driver's driving privileges suspended. For the purposes of this chapter, a written notice sent to the driver's last registered address with the [BMV] meets the conditions of due notice.⁴
 - (c) The driver has fifteen (15) days from the date of notice to satisfy conditions of the citation issued by the jurisdiction or to request a hearing before a [BMV] hearing officer to show evidence or present information why the [BMV] should not suspend the driver's driving privileges for failure to meet the terms of the citation.
 - (d) Upon holding the hearing, the [BMV] may suspend the driver's driving privileges until the conditions of the citation are met or a release from the citing jurisdiction is obtained.
 - (e) If the [BMV] does not receive information from the driver concerning the notification, the [BMV] shall suspend the driver's driving privileges until the conditions of the citation are met or a release is obtained.
5. Per the ALJ, "[REDACTED] has failed to comply with the terms of the Florida citations by failing to pay." Recommended Order at 2.
 6. Based on my review of the record, [REDACTED] has failed to comply with the terms of the Florida citations by failing to pay the appropriate fines and/or fees. Accordingly, I find that there is sufficient information on the record to substantiate the ALJ's Recommended Order.⁵
 7. Therefore, I AFFIRM the ALJ's Recommended Order.

SO ORDERED.

12-21-15
Date


Adam J. Krupp, General Counsel
Indiana Bureau of Motor Vehicles

⁴ Exhibit BMV-3 from [REDACTED]'s October 6, 2015 is a copy of the July 21, 2015 letter from the BMV to [REDACTED] informing [REDACTED] that he had fifteen (15) days to resolve the outstanding issue(s) in Florida, and failure to do so would result in the indefinite suspension of his Indiana driving privileges.

⁵ "[REDACTED]'s license suspension should be reinstated and remain in effect indefinitely." Recommended Order at 2.

Written notice of this order shall be provided to:

[REDACTED]

Indiana Bureau of Motor Vehicles