

STATE OF INDIANA  
BUREAU OF MOTOR VEHICLES

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In the Matter of [REDACTED], DL# [REDACTED],  
Petitioner.

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FINAL ORDER

1. This matter comes before me as a result of a Notice of Appeal filed by Petitioner [REDACTED] [REDACTED] by an undated letter that was received on or about July 25, 2014. The letter seeks administrative review of a decision by the Indiana Bureau of Motor Vehicles ("BMV") to deny Petitioner [REDACTED] a temporary driver's license.
2. This matter was referred to Administrative Law Judge Rachael C. Ehlich, Esq. for review and the issuance of a Recommended Order per Ind. Code § 4-21.5-3-27(a) and 140 IAC 1-1-8, which was completed on June 17, 2014 and re-issued on July 8, 2014 because of an error in mailing the original version. A copy of the Recommended Order issued by ALJ Ehlich is attached hereto and incorporated as if fully stated herein.
3. Petitioner [REDACTED] objected to the Recommended Order per Ind. Code § 4-21.5-3-29(d) and 140 IAC 1-1-11, and urges me to dissolve the Recommended Order and direct the BMV to issue him a temporary driver's license.
4. The Recommended Order is AFFIRMED, and Petitioner [REDACTED] Notice of Appeal and Objection to the Recommended Order is DENIED. The BMV is prohibited by law from

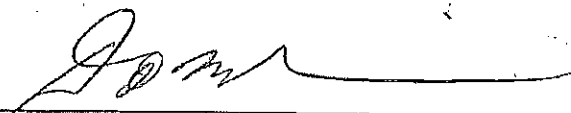
issuing the Petitioner a temporary driver's license while his driving privileges are suspended by the State of Illinois.

5. Petitioner [REDACTED] is hereby notified that this is a FINAL ORDER. Petitioner may seek judicial review of this FINAL ORDER by filing a petition for review with the appropriate court within thirty (30) days after the date that notice of this FINAL ORDER was served, plus three (3) additional days if notice is served through the United States mail. See: Ind. Code §§ 4-21.5-3-2, 4-21.5-5.
6. Pursuant to Ind. Code § 4-21.5-3-32, this FINAL ORDER shall be made available for public inspection and copying. It shall be indexed by name and subject. All identifying details shall be deleted from the public copy of this Order to the extent required by Ind. Code § 5-14-3 or other law, with written justification for all deletions explained in writing and attached to the public copy of this FINAL ORDER.

SO ORDERED.

9-9-2014

Date



Donald M. Snemis, Commissioner  
Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

[REDACTED]

BMV Credential Management

Rachael C. Ehlich, Esq.



#### IV. FINDINGS OF FACT

- a. [REDACTED] has one outstanding suspension and three revocations in Illinois. The most recent revocation took effect on January 22, 2006. The outstanding suspension was eligible to be reinstated on November 13, 2000.
- b. [REDACTED] stated that he traveled to Illinois to address the issue and was told there was nothing that could be done about the outstanding revocation. [REDACTED] had not spoken with Illinois about the suspension or any possible reinstatement requirements.

#### V. CONCLUSIONS OF LAW

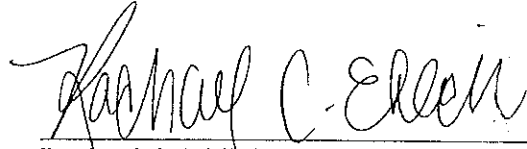
- a. At Ind. Code § 9-28-1-3, Indiana adopts and enters into the Driver License Compact which provides that it is the policy of each party state to promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by the party state's operators in other jurisdiction by considering compliance a condition precedent to the continuance or issuance of any license.
- b. Article 5 of the Compact prohibits a party state from issuing a license to an individual who is suspended in another state.
- c. Under Article 5 of the Compact, a home state may issue a license if an applicant has held a license in his or her home state but the license has been revoked by another state. Article 5 provides the applicant may obtain a license after the expiration of one (1) year from the date the license was revoked.



## VI. APPEAL RIGHTS

Either party may request a reconsideration of this recommended order by mailing a written request to the following address: Indiana Bureau of Motor Vehicles, Hearing Department, 100 North Senate Ave., Rm N404, Indianapolis, IN 46204. Requests for reconsideration must be received by the BMV within eighteen (18) days of the date this recommended order is signed. If no request for reconsideration is received by the BMV within eighteen (18) days, this recommended order becomes the final order of the BMV on the nineteenth (19<sup>th</sup>) day.

DATED: June 17, 2014



Rachael C. Ehlich  
Administrative Law Judge  
Indiana Bureau of Motor Vehicles  
Hearing Department  
100 N. Senate Avenue  
Indianapolis, IN 46204  
(317) 234-1958

A copy of the foregoing was sent to the following:

[REDACTED]  
[REDACTED]  
[REDACTED]

Michael Carter, *Attorney for BMV*  
Indiana Bureau of Motor Vehicles  
100 N. Senate Ave., Room N404  
Indianapolis, IN 46204

