

State of Indiana

Bureau of Motor Vehicles

In the Matter of [REDACTED]) Case No. 15-IL-091
))
DLN: [REDACTED]))

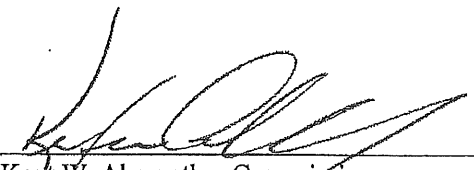
FINAL ORDER

1. This matter comes before me as a result of a hearing request filed by Petitioner [REDACTED] [REDACTED] by mail on September 30, 2015 seeking administrative review of a decision by the Indiana Bureau of Motor Vehicles ("BMV"). The BMV denied [REDACTED] the issuance of an Indiana driver's license due to an indefinite suspension pending in the state of California.
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 issuance of a Recommended Order. An administrative hearing was held on November 10, 2015 and a Recommended Order was issued on November 18, 2015. The Recommended Order stated the following: "[I]t is found and ordered that [REDACTED] was properly denied a driver's license in Indiana because he has outstanding issues in the state of California." Recommended Order at 1.
3. On December 4, 2015, the BMV received via mail a request for reconsideration from [REDACTED] counsel, Raymond A. Basile ("Basile"). In his letter, Basile asserts the following: "Mr. [REDACTED] by and through this letter, represents and affirms under oath that he intends to contact the California DMV on or before Monday, December 7, 2015 for the purpose of resolving the non-ACD violation." Further, [REDACTED] "respectfully requests approval for issuance of a temporary license so that he can continue driving and working in Indiana while he resolves the California matter. If requested, Mr. [REDACTED] is more than willing to provide a copy of the documentation obtained from California demonstrating that the issue has been resolved and suspension lifted."
4. Upon review of [REDACTED]'s current record, as of the date of this Final Order, [REDACTED] has one (1) outstanding, indefinite suspension in California.
5. Article 5 of the Driver License Compact codified at Indiana Code § 9-28-1-3 prohibits the issuance of a driver's license to an individual where the applicant "has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated." At this time, [REDACTED]'s suspension in California has not been terminated.
6. Therefore, per my authority under Indiana Code § 4-21.5-3-29(b), I am AFFIRMING the Recommended Order. The BMV properly denied issuance of a driver's license to [REDACTED] due to the California suspension, regardless of the fact that [REDACTED]'s suspension appears to be the result of a non-ACD violation. Because [REDACTED] remains suspended in California, he is ineligible for issuance of an Indiana driver's license. Furthermore, Indiana's BMV does not have authority to issue a temporary driver's license. Upon termination of [REDACTED]'s California suspension, the BMV will be permitted to issue [REDACTED] an Indiana credential with driving privileges.

SO ORDERED.


1/29/16

Date



Kept W. Abernathy, Commissioner
Indiana Bureau of Motor Vehicles

Written notice of this Order shall be provided to:


Raymond A. Basile, Esq.
Indiana Bureau of Motor Vehicles