## STATE OF INDIANA

## BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:	)	Case No. BMV-1021-002252
L E H	)	
DLN:	)	

## FINAL ORDER

- 1. Language Fine Harmon ("Petitioner") requested an administrative review of the Indiana Bureau of Motor Vehicles' ("BMV") decision regarding whether BMV acted properly in issuing a Real ID to Petitioner.
- 2. The matter was referred to Administrative Law Judge Elizabeth Gamboa ("ALJ") for review under Indiana Code § 4-21.5-3-7(a). A telephonic hearing was scheduled to be held on January 12, 2022. However, during the hearing Petitioner requested a continuance. The continuance was granted.
- 3. The matter was referred to Administrative Law Judge Ann Pagonis ("ALJ") for review under Indiana Code § 4-21.5-3-7(a) due to Administrative Law Judge Elizabeth Gamboa no longer being employed by the Office of Administrative Proceedings. The telephonic hearing was held on February 10, 2022.
- 4. On May 4, 2022, ALJ Pagonis issued a Recommended Order that the BMV correctly followed state law when a Real ID compliant driver's license was issued to Petitioner in 2015 and again in 2021.
- 5. On May 18, 2022, Petitioner submitted a Request for Reconsideration of the ALJ's Recommended Order. Petitioner stated in her request that "the issuance of the Real ID by the BMV is in violation of my vested rights" based on:
  - A. Statues and codes are syntax corporate rules and regulations, furthermore syntaxes are an internment upon my rights.
  - B. There was no meeting of the mind.
  - C. She was not given full disclosure at the time of the initial compliance for an out of state license, that when she applied for the next Indiana driver's license it would have to be a real id, and she would not be able to apply for a non-compliance driver's license, furthermore the respondent did not disclose this information during the initial application for compliance.
  - D. She believes that she does not need a real id for identification purposes.
  - E. The BMV is in violation of the United Nations pledge for the promotion of universal respect for observance of human rights and fundamental freedoms. All are equal before the law and are entitled to equal protection against any

- discrimination in violation of this Declaration and against incitement to such discrimination.
- F. Amendment XIV (1868) Section (1) All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state where they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United State; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- G. Data BMV collects is being shared without her consent and it is an unauthorized use of her personal information.
- 6. The REAL ID act is a Federal Act codified at 6 CFR 37 and the BMV is governed in part by 140 IAC 7-1.1 which adopted the provisions of the Federal Real ID Act.
- 7. Petitioner was first issued a Real ID-compliant credential in 2015. At the time of this application, all new Indiana credentials were required to be RealID-compliant in accordance with 140 IAC 7.
- 8. The BMV correctly issued a Real ID-compliant driver's license to Petitioner in 2015 when Petitioner was obtaining an initial license. There is a provision in Indiana law for a RealID-compliant credential to "downgrade" to a non-compliant credential.
- 9. Petitioner's objection to the Recommended Order is without merit.
- 10. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFRIM the ALJ's Ann Pagonis's, Recommended Order.
- 11. 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.

6/22/22

Date

Joseph B. Hoage Commissioner Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

Petitioner

Indiana Bureau of Motor Vehicles

<sup>&</sup>lt;sup>1</sup> 140 IAC 7-1.1-3(b) states that "all applicants for an initial, renewed, replacement or amended Indiana driver's license... must comply with the requirements in this subsection one (1) time."