



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

**ATTORNEY GENERAL OPINION
2016-307A**

John W. Maile, Executive Director
Oklahoma Used Motor Vehicle and
Parts Commission
2401 NW 23rd St., Ste. 57
Oklahoma City, Oklahoma 73107

May 19, 2016

Dear Executive Director Maile:

This office has received your request for a written Attorney General Opinion regarding agency actions that the Oklahoma Used Motor Vehicle and Parts Commission intends to take against used motor vehicle dealer license UD-9345 and a former used motor vehicle salesperson licensee for that dealer. The proposed action is to impose fines on the dealer totaling \$10,000 and on the salesperson totaling \$3,000.

The salesperson applied for a license and renewal of that license in 2010, 2011, and 2012; on each application, the salesperson failed to disclose a felony criminal history. Despite knowing the Commission had discovered that deceit and that the salesperson lacked a license, the dealer continued to employ the salesperson at several auction events over several months in late 2015 and early 2016. The dealer also failed to produce documents upon request by Commission staff.

The Commission has the power to discipline for "fraud practices or any material misstatement made by an applicant in any application for license." 47 O.S.Supp.2015, § 584(A)(2). Oklahoma law also requires completion of application forms that include all "information as the Commission deems necessary." *Id.* § 583(B)(1). Used motor vehicle dealers may also be disciplined when in "flagrant violation of" the Commission's rules or when employing unlicensed salespersons. *Id.* § 584(A)(5), (7)(b). The Commission's rules require dealers maintain certain records and produce them upon request to the Commission. OAC 765:10-3-3.

In this case, the dealer and salesperson violated licensure rules even after receiving notice of those violations from the Commission. In light of the length of time involved and prior Commission warnings, the Commission may reasonably believe that significant fines are necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Used Motor Vehicle and Parts Commission has adequate support for the conclusion that this action advances the State of Oklahoma's policies requiring licensure of used motor vehicle salespersons and promoting the public interest and public welfare.

A handwritten signature in black ink that reads "Scott Pruitt". The signature is written in a cursive, flowing style with a large initial "S".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA