



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-309A

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 action that the Oklahoma Used Motor Vehicle and Parts Commission intends to take pursuant to a consent agreement with used motor vehicle dealer licensee UD-4021. The proposed action is to impose fines on the licensee totaling \$5,000. Across at least ten transactions, the licensee misrepresented vehicles' mileage to a financial institution financing the purchase of those vehicles.

The Commission has the power to discipline licensees whose business practices involve "fraudulent act[s] in selling, purchasing or otherwise dealing in motor vehicles" or "cause injury to the public or to those with whom the licensee is dealing." 47 O.S.Supp.2015, § 584(A)(6)(d)-(e). Misrepresenting the quality of vehicles sold impacts lending institutions' ability to rely on those vehicles as security for loans and thus undermines the availability of credit for purchasers. In the context of this case, the Commission may reasonably believe that these actions injure the public and should be remedied with a significant fine to prevent 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 prohibiting misrepresentation and injury to the public.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA