



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-310A

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-9058. The proposed action is to impose fines on the licensee totaling \$2,500. The licensee relied on incomplete or blank retail installment contracts in at least twenty-five transactions from September 1, 2015 to April 1, 2016.

The Commission has the power to discipline licensees whose business practices “misrepresent[] the terms and conditions of a sale” 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). A practice of encouraging consumers to sign sales agreements without actually placing the terms in the agreement threatens both to lead to misrepresentation and to rob consumers of the protection of an established, written contract. The dangers of such a practice are significantly higher with installment contracts. In the context of this case, the Commission’s decision to impose a fine may be reasonably necessary to ensure compliance in the future.

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 used motor vehicle purchasers.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA