



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-177A

John W. Maile, Executive Director  
Oklahoma Used Motor Vehicle and Parts Commission  
2401 N.W. 23<sup>rd</sup> Street, Suite 57  
Oklahoma City, OK 73107

June 8, 2018

Dear Executive Director Maile:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Used Motor Vehicle and Parts Commission intends to take pursuant to consent agreement with used motor vehicle dealer licensee UD-0279. The licensee was not operating from a licensed location and allowed unlicensed salespersons to buy and sell 75 vehicles under his license. The Commission proposes to fine the licensee \$150 per violation for a total fine of \$14,250.

Oklahoma law authorizes the Commission to fine a licensee that “employs unlicensed salespersons” or has “willful[ly] fail[ed] to comply with any provision of Section 581 . . . or with any rule promulgated by the Commission.” 47 O.S.Supp.2017, § 584(A)(3), (7)(b). The Commission’s rules prohibit “[a] used motor vehicle dealer [from] allow[ing] an unlicensed individual or a salesperson to act as a dealer using the dealer’s license, or allow[ing] any unlicensed person to use the dealer’s name, license, or dealer number for any prerogative reserved to a dealer.” OAC 765:10-3-5. The Commission may reasonably believe that the proposed action is 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’s policy of protecting the public by requiring that used motor vehicle dealers meet minimum licensing requirements.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Ethan Shaner".

ETHAN SHANER  
DEPUTY ASSISTANT ATTORNEY GENERAL