



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-193A

Roy K. Dockum, Executive Director
Oklahoma Motor Vehicle Commission
4334 N.W. Expressway, Suite 183
Oklahoma City, OK 73116

March 21, 2017

Dear Mr. Dockum:

This office has received your request for a written Attorney General Opinion regarding agency actions that the Oklahoma Motor Vehicle Commission intends to take pursuant to consent agreements. The proposed action is to impose fines on ten motor vehicle dealer licensees for employing unlicensed salespersons. The length of employment for each unlicensed salesperson ranged from about two to about six months, and the agreements impose fines ranging from \$100 to \$500 for each unlicensed salesperson employed depending on the length of time they were unlicensed. The specific licensees, the number of unlicensed persons employed, and the length of employment while unlicensed for each are attached hereto as Appendix A. All of the unlicensed salespersons were ineligible for renewal of their licenses due to being non-compliant by the Oklahoma Tax Commission ("OTC"); yet, the dealerships continued to employ them.

Oklahoma law authorizes the Oklahoma Motor Vehicle Commission to "impose a fine not to exceed One Thousand Dollars . . . against a dealer per occurrence" for several violations, including "employ[ing] unlicensed salespersons . . . or other unlicensed persons in connection with the sale of new motor vehicles." 47 O.S.Supp.2016, § 565(A), (A)(7)(d). Further, an agency is prohibited from renewing a professional license if an applicant is deemed non-compliant by the OTC. 68 O.S. § 238.1. The proposed actions enforce this straightforward statutory requirement by imposing fines that deter failure to ensure all motor vehicle salespersons obtain valid licenses.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Motor Vehicles Commission has adequate support for the conclusion that these actions advance the State of Oklahoma's policy to require licensure of new motor vehicle salespersons.

A handwritten signature in black ink that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Shelly Perkins".

SHELLY PERKINS
ASSISTANT ATTORNEY GENERAL

APPENDIX A

Dealership Name	Dealership License #	Salesperson Employed From	Unlicensed Until	Fine
1. James Hodge Ford Lincoln – Muskogee	479	07/01/2016	01/23/2017	\$500
2. James Hodge Ford Lincoln – Muskogee	479	07/01/2016	01/23/2017	\$500
3. David Stanley CJDR of Norman	724	07/01/2016	01/23/2017	\$500
4. Jackson CJDR – Enid	463	07/01/2016	01/23/2017	\$500
5. Mainer Ford – Okarche	852	07/01/2016	01/23/2017	\$500
6. Oklahoma RV Center	676	07/01/2016	01/23/2017	\$500
7. Doenges Ford Lincoln – Bartlesville	308	10/17/2016	01/23/2017	\$100
8. Doenges Toyota – Bartlesville	797	10/17/2016	01/23/2017	\$100
9. Lawton Kia – Lawton	792	11/18/2016	01/23/2017	\$100
10. Seth Wadley AutoGroup – Pauls Valley	678	09/21/2016	12/15/2016	\$100