



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-228A

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

March 31, 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 ten separate consent agreements. The proposed action is to impose fines on the ten motor vehicle dealer licensees for employing unlicensed salespersons. The length of employment for each unlicensed salesperson ranged from about three to about five 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; 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 reasons, 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 Oklahoma Tax Commission. 68 O.S.Supp.2016, § 238.1(E). The proposed actions enforce this 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.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Shelly Perkins in blue ink.

SHELLY PERKINS
ASSISTANT ATTORNEY GENERAL

Appendix A

	Dealership Name	Dealership License #	Salesperson Employed From	Unlicensed Until	Fine
1.	Metro Ford of OKC – Oklahoma City	798	07/01/2016	12/15/2016	\$500
2.	Seth Wadley Auto Group – Pauls Valley	678	07/01/2016	12/19/2016	\$500
3.	Vance CDJR – Miami	731	07/01/2016	12/19/2016	\$500
4.	Vance Ford Lincoln - Miami	491	07/01/2016	12/19/2016	\$500
5.	Classic Chevrolet - Owasso	159	09/21/2016	12/15/2016	\$100
6.	Eskridge Chevrolet - Guthrie	577	09/26/2016	12/19/2016	\$100
7.	Fowler Toyota - Norman	423	09/21/2016	12/19/2016	\$100
8.	James Hodge CJDR – Broken Bow	726	09/26/2016	12/19/2016	\$100
9.	Seth Wadley Ford Lincoln – Pauls Valley	576	07/26/2016	12/15/2016	\$100
10.	Shaggy's Powersports – Broken Arrow	806	09/30/2016	12/19/2016	\$100