



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-316A

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

April 26, 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 six separate consent agreements. The proposed action is to impose fines on six motor vehicle dealer licensees for employing unlicensed salespersons. The length of employment for each unlicensed salesperson ranged from about two to about nine months, and the agreements impose fines of \$100, \$500, or \$1,000 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 listed as 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.2011, § 238.1(E). The proposed actions enforce this statutory requirement by imposing fines that deter future violations.

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.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

SHELLY PERKINS  
ASSISTANT ATTORNEY GENERAL

## APPENDIX A

	Dealership Name	Dealership License #	Salesperson Employed Unlicensed: From	Until	Fine
1.	Metro Ford – Oklahoma City	798	07/01/2016	03/20/2017	\$1,000
2.	Fowler Toyota – Norman	423	08/29/2016	03/20/2017	\$500
3.	Seth Wadley Ford – Pauls Valley	576	09/06/2016	03/20/2017	\$500
4.	Lawton Kia - Lawton	792	01/10/2017	03/20/2017	\$100
5.	Bob Moore Ford – Oklahoma City	324	12/23/2016	03/20/2017	\$100
6.	Regional Hyundai – Broken Arrow	625	12/01/2016	03/20/2017	\$100