



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-11A

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

January 3, 2017

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. The proposed action is to deny an application for a used motor vehicle salesperson license. The applicant, J.M., has felony convictions for robbery with a weapon and obstructing an officer in 2003 and five felony convictions for lewd or indecent proposals or acts to a child in 2009. The applicant requested and was denied used motor vehicle salesperson's licenses twice in 2014.

Oklahoma statutes require the Commission to prepare application forms to collect information related to applicants' "business integrity" and "other pertinent information" related to "safeguarding . . . the public interest and the public welfare." 47 O.S.Supp.2016, § 583(B)(1)(b), (e). The Commission is authorized to deny an application for a license "[o]n satisfactory proof of unfitness of the applicant." *Id.* § 584(A)(1). A licensee may be disciplined if the licensee "has been convicted of a crime involving moral turpitude." *Id.* § 584(A)(6)(c). Potential buyers may put their trust in salespersons, including in circumstances when the buyer, or buyer's family members, may be alone with salespersons, such as during test drives. The Commission may reasonably conclude that an applicant convicted of lewd or indecent proposals or acts to a child is unfit to interact in such a manner with potential buyers and their family members, and should not hold a used motor vehicle salesperson license. The action seeks to uphold professional standards in the sale of used motor vehicles and "safeguard[] . . . the public interest and the public welfare." *Id.* § 583(B)(1)(e).

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 policy to safeguard the public interest and public welfare by protecting the consuming public from salespersons who have been convicted of crimes involving moral turpitude.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal line extending to the right from the end of the signature.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA