



**NEWS** from the ACLU of Indiana

1031 E. Washington Street

Indianapolis, IN 46202

[www.aclu-in.org](http://www.aclu-in.org) ♦ 317-635-4059

## FOR IMMEDIATE RELEASE

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Contact: [Kelly Jones Sharp](mailto:kelly.jones@aclu-in.org)

Director of Communications & Education

Office: 317-635-4059 Ext. 122 | Mobile: 317-490-5310

### Indiana Youth Group Fights Back

#### ***BMV's involvement in its own review "violates due process and is unconstitutional" says ACLU of Indiana***

Indianapolis –The American Civil Liberties Union of Indiana today on behalf of the Indiana Youth Group filed a lawsuit challenging the authority of the Indiana Bureau of Motor Vehicles to issue an Order of Remand on its Administrative Law Judge's order to restore IYG's specialty license plate. The ACLU of Indiana seeks to void the order and ensure that proceedings are performed by a "neutral and impartial" decision maker.

"The BMV commissioner acting as the appellate and final authority over a decision that he, in effect, issued, violates the right to have an impartial decision maker in administrative adjudications and therefore violates the fundamental principle of due process guaranteed by the Fourteenth Amendment," said Ken Falk, ACLU of Indiana Legal Director.

On Friday, June 14, BMV commissioner R. Scott Waddell issued an Order of Remand effectively reversing the decision of the Administrative Law Judge, who had ruled in May that the State violated the IYG's specialty license plate contract when it issued a suspension of the plate last year without giving the nonprofit the required notice and a chance to correct any issues. The ALJ also found that IYG's actions did not constitute a sale of low-digit specialty plates, as 20 Indiana State Senators had claimed in March of 2012. These state senators asked the BMV to terminate IYG's contract after they had been ineffective in passing legislation to that effect.

ACLU of Indiana Executive Director Jane Henegar said, "IYG does admirable work providing guidance to young people. IYG wants what has been denied at every turn in its quest to obtain a specialty license plate in support of its work: fair treatment by our government. The ACLU of Indiana hopes to help put an end to an unnecessarily lengthy and contentious process that has done nothing but stand in the way of real help for children in need."

Mary Byrne, IYG executive director, said she feels as though the BMV "is just being vindictive."

"There was nothing ambiguous in the administrative law judge's ruling," said Byrne. "The BMV had a chance to present its side at the administrative hearing, and they lost. The BMV simply does not want IYG to get its plate back, ever."

*Indiana Youth Group, Inc. v. R. Scott Waddell*, **Case no. 1:13-cv-00981-JMS-MJD**, was filed June 19 in the U.S. District Court Southern District of Indiana, Indianapolis Division.###