STATE’S
EXHIBIT NO. 72
DECLARATION OF STEPHEN LEAK

Stephen Leak, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am Stephen Leak, the Assistant Commissioner, Driver/Vehicle Services for the Indiana Bureau of Motor Vehicles.

2. This affidavit is made on my personal knowledge, and I am competent to testify and will testify to the matters stated herein.
3. I am over eighteen years of age.

4. I am a resident of the State of Indiana.

5. In my capacity as the Assistant Commissioner, I am responsible for the uniform application of the issuance of Indiana driver’s licenses, permits, and non-license identification.

6. Prior to executing this affidavit, I have reviewed the deposition of Carol Redman taken on September 13, 2005. Ms. Redman is under my direct supervision and serves as Director of Driver Services for the Indiana Bureau of Motor Vehicles.

7. On page 13 of her deposition, Ms. Redman misstates Indiana Bureau of Motor Vehicles policy when she answers the following question affirmatively, “So, if I’m coming in, for whatever reason I don’t drive and my ID is expiring next month, I will have to pay for a new ID; is that correct?”

8. In compliance with Ind. Code § 9-24-16-10(a)(2), it is the official policy of the Indiana Bureau of Motor Vehicles to issue non-license ID free of charge when the applicant is renewing such an ID.

9. In addition, on page 16 of Ms. Redman’s deposition, in response to the question, “But I still have a valid license in that it has not yet expired from my former state, as I understand specifically exhibit four on the first page, paragraph three, it says that if someone from another state presents you with a valid ID or driver’s license from another state they are presenting you with a valid document so they would not get a free ID; is that correct?” Ms. Redman answered “Yes.”

10. The policy enunciated by Ms. Redman and stated in paragraph 3 of my Memos to Branch and Regional Managers dated July 11 and July 15, 2005 Memos to Branch and
Regional Managers was inconsistent with Ind. Code § 9-24-16-10(b) and has now been modified. The Modification Memo is attached as Exhibit A.

11. In compliance with Ind. Code § 9-24-16-10, it is the official policy of the Indiana Bureau of Motor Vehicles to issue free Indiana non-license IDs to Indiana residents with valid foreign state drivers' licenses.

I declare under penalties for perjury that the foregoing is true and correct. Executed on the 30 day of November, 2005.

[Signature]

Stephan Leak
Memo

To: Branch and Regional Managers
CC: Scott Sanders, Carol Redman, Mike Barnhart, Greg Cook, Dave Certo, Irene Lange, Jeff Brown, and Joel Silverman
From: Stephen Leak
Date: 11/30/2005
Re: No Charge Identification Cards

On July 1, 2005, a new law took effect regarding Identification Cards. At that time, the BMV created a policy on how to issue a free ID. Effective 11/30/05, we have revised our policy for issuing a free ID to be consistent with Ind. Code § 9-24-16-10. The revision of our policy affects the following points:

- If a customer who presents valid identification documents from another state requests a free Indiana identification card, you must issue the ID at no charge if the customer can fulfill all the eligibility requirements for an identification card. The policy change is that we previously said they would not qualify for a Free ID.

- If a student from another state requests a free ID, you must issue the ID at no charge if the customer fulfills all the eligibility requirements for an Identification Card, and the customer does not have a valid Indiana drivers license. The policy change is that we previously said they would not qualify for a Free ID.

If the applicant has a valid Indiana drivers license, he or she must always pay the fee for the ID.

EXHIBIT A