



American Association of  
Motor Vehicle Administrators

COMMUNICATION  
*Evidence* CASES  
collaboration  
**LAW** Fraud  
Investigation



# Developing and Maintaining Successful Prosecutor Partnerships Whitepaper, Educational Slides, and Handout



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DETERRENCE AND DETECTION OF FRAUD WORKING GROUP  
LAW ENFORCEMENT STANDING COMMITTEE

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# Introduction

The American Association of Motor Vehicle Administrators (AAMVA) has published two documents to provide resources to jurisdictions regarding fraud: the *Deterrence & Detection of Fraud Best Practices, Edition 2* and the *DMV Investigative Unit Resource Guide*. Both documents reference the importance of developing a partnership with prosecutors at the local, state, provincial, territorial, and federal levels.

Developing and maintaining prosecutor partnerships can be challenging for motor vehicle agencies (MVAs) amid many programs and services competing for MVA staff time and attention. Sometimes the prosecution of fraud only becomes an MVA priority when a case is ready for prosecution. Waiting until a case is ready for prosecution to collaborate with prosecutors makes it difficult to determine who should be presented the case, what appropriate charges may be considered, and what additional evidence may be needed to support those charges. This lack of ongoing prosecutorial partnerships may result in unsuccessful cases, diminishing the enthusiasm of employees to identify and prevent fraud, as well as causing a loss of perceived integrity by victims and the public regarding MVA operations.

Prosecutors are expected to handle a wide variety of cases from violent offenses to white collar crime. From day to day, they may be asked to work with DNA evidence, vehicle crash reconstructions, or extensive forensic accounting. It is impossible for a prosecutor to become an expert on all subjects or to be familiar with every law, court decision, and attorney general's opinion. White collar crimes may be especially challenging for prosecutors due to concerns over the need to support the admission of every aspect of documentation and data related evidence with an

appropriate witness. It may also be difficult to find witnesses who can overcome evidence admissibility and confrontation clause challenges while educating the jury on potentially complex financial or technical issues. These concerns may be exacerbated by large caseloads, limited trial court availability, and the need to prioritize particularly violent offender cases.

Most prosecutors do not receive specialized white collar or fraud training and depending on the size of the prosecutor's office, it may not have attorneys who specialize in certain laws or case types. While not typical, some offices may have prosecutors who specialize in MVA fraud which allows them to be more effective in their prosecution efforts. Similarly, an MVA may have a fraud investigation unit that maintains familiarity with applicable laws so they can provide information directly to prosecutors as part of their overall discussion about the case. If the MVA does not have an investigative unit, they are encouraged to establish a strong relationship with local, state, provincial, or federal law enforcement before going to the prosecutor. Law enforcement professionals can work with MVA staff to determine if the elements and evidence of the case are substantive enough to present to prosecutors or if more information is needed.

It is important for an MVA to know the type of court which would likely hear MVA fraud cases, along with an understanding of which prosecutors and offices manage administrative, civil, and criminal cases. For example, most civil MVA related cases in the U.S. would be managed by the state attorney general's offices. Understanding when a case may be managed by a local, state or provincial, or federal court is important for pursuing both intrastate and interstate crimes.

Establishing communication with the prosecutor early in an investigation may help direct efforts for more successful and efficient results. Prosecutors may provide guidance on how best to use MVA resources, targeting efforts toward the most beneficial evidence for optimal prosecution results. Prosecutors may also provide expertise on search and seizure issues to guide investigators in the process, helping to avoid pitfalls.

To protect the integrity of personal identity and vehicle documents issued by MVAs and to support the laws to prevent the obtaining and use of fraudulent identities and MVA information, it is important for MVAs to be diligent in efforts to see fraud is prosecuted. A strong case and successful prosecution are important to victims to aid them in recovery and compensation efforts. The successful case can be used as a basis of credibility for victims to prove to businesses, government agencies, and others that they were victims of a crime. Promoting successful prosecutions also acts as a deterrent for would be fraudsters.

The MVA is seen as the source of verification of information to issue personal identity and vehicle documents and is the agency responsible for preventing the unlawful obtaining of such documents. Since the MVA does not oversee every aspect of an

investigation through adjudication, MVAs must be diligent in coordinating with stakeholders, law enforcement agencies, and prosecutors. MVAs need to articulate efforts taken by the agency to deter fraud and show how the suspect perpetrated the crime by defeating anti-fraud measures. This information shows the thoughtful and planned intent of the suspect. MVAs may have access to electronic verification services, facial recognition systems, and records that may assist in identification of a victim and perpetrator. These systems and records may also help identify the type of fraud that was committed. MVA sponsored education on these resources may help prosecutors see the broader picture of how strong collaboration between the MVA and prosecutor's office can support efficient and effective prosecution of related fraud and other criminal cases.

This whitepaper provides information on how to develop and enhance prosecutorial partnerships. Also included is a *Prosecutor Handout*, which MVAs can provide to prosecutors during meetings, as well as *Educational Slides* to use when meeting with prosecutors. The *Prosecutor Handout* and *Educational Slides* are designed to be customized to fit the specific needs of a jurisdiction.

## Chapter 1 Cultivating Relationships

Communicating and building strong relationships with key stakeholders in the judicial system is critical to any successful MVA fraud prosecution. In those cases where the MVA has a non-sworn investigative staff or no investigative staff, they need to cultivate a relationship with law enforcement to assist with an investigation, make an arrest, and/or present a case to the prosecutor. In those cases where the MVA has sworn staff, they may not need the law enforcement partnership and can work directly with the prosecutor's office.

### 1.1 Getting Started

#### *Draft a List of Relevant MVA Resources*

Variables include:

1. Whether you have sworn investigators in your MVA fraud unit
2. Available resources such as facial recognition, National Motor Vehicle Title Information System (NMVTIS), and software that can search data to look for anomalies and unusual transactions. These resources may not be known to law enforcement or prosecutors.
3. Access to copies of documentation and identity documents provided to the MVA (i.e. birth certificates, proof of residency, proof of vehicle ownership, etc.)

If an MVA Does Not Have Sworn Investigators but Does Have Investigative Resources, the List May Include:

1. Identifying the type of investigative assistance needed based on specific cases such as identity

fraud discovered through the facial recognition process or auditing records

2. Identifying the type of investigative assistance needed if investigating potential internal fraud such as employee or third-party malfeasance

For identity and vehicle fraud cases where facial recognition and MVA records may assist, information that can be provided to law enforcement and prosecutors may include:

1. Photo images
2. Copies of documentation presented with explanation of where and how it was obtained
3. Summary of evidence supporting the false identity or imposter, including timelines
4. Potential charges
5. A list of all relevant and necessary facts, investigative reports, and expert witnesses with a summary of their relevant case knowledge and statements, if available
6. Explanation of witnesses' availability and willingness to produce a deposition or "will say" and to testify in court if necessary

For cases not initiated by the MVA, the MVA may still serve an important role by providing resources to support law enforcement investigations. The MVA may provide subject matter experts (SMEs) who can access audit logs, provide certified copies of documents to be admitted as evidence, interpret records, and identify suspicious behavior outside of established policies and procedures. MVAs may have policies or agreements which state how information is provided

and which agencies outside the MVA can receive it. Jurisdiction laws, rules, and policies may govern how MVAs may be able to provide information and resources to law enforcement or prosecutors.

Law enforcement agencies investigating cases involving unidentified victims and persons of interest may be assisted by MVAs in the identification of aliases and false identities. MVAs may be able to assist with deconfliction among law enforcement agencies who may otherwise be unaware other agencies are working the same case.

## 1.2 Outreach

For MVAs without their own fraud investigative unit or sworn investigators, it is critical to make proactive contact with the appropriate law enforcement agency and prosecutor's office to establish relationships before the need arises. This helps establish communication with the proper personnel so when assistance is needed, these agencies already know what the MVA does and the reason why they may be calling. Sharing success stories and credit for success with law enforcement and prosecutors helps build rapport and respect among agencies. Refer to Chapter 3 for more information.

## 1.3 Process Considerations

With assistance from MVA legal counsel, MVAs should develop standardized processes and procedures for collaborating with law enforcement and prosecutors. When developing a process, it is important to manage contacts established within law enforcement and prosecutor offices for efficient coordination of cases and information. In addition, using a case management system to record law

enforcement assists, cases and charges referred, and dispositions will assist the MVA with determining success and effectiveness of resources. This information may help law enforcement agencies in showing fraud trends. Finally, statistics and information from these sources may aid in efforts to request additional resources and funding.

## 1.4 Stay the Course

Some MVAs may face a variety of challenges in establishing or maintaining law enforcement and prosecutorial relationships. Creating and maintaining these relationships requires concerted effort. The following may assist MVAs in overcoming these challenges:

1. Continuously promote resources MVAs can contribute toward investigating and prosecuting crimes
2. Use contacts that may assist in establishing a relationship with these offices; someone who knows both what the MVAs needs are and is connected to staff within law enforcement and prosecutor offices. One example in the U.S. is the traffic safety resource prosecutor position that is generally grant funded through the Governor's Office of Highway Safety. These attorneys may already have established communication with MVAs through their work with habitual offenders and high-profile traffic cases.
3. Reach out to colleagues in other jurisdictions who have successful relationships and replicate their best practices

## Chapter 2 **Determining Needs**

### **2.1 Prosecutor Support**

The goal of a fraud investigation is to determine the facts to support a resolution that either shows no evidence of a crime committed or that indicates a crime was committed and identifies potential offender(s). Pursuing these investigations and prosecutions is important to keep unsafe drivers off the road and deterring future fraud. In addition, fraud investigations play an important role in promoting and protecting the integrity of the MVA.

When presented with an MVA investigation, it is important that prosecutors understand the direct impact on the victim and society. Prosecutors should also be clear on the criminal nature of the harm being caused, as well as how far that harm may extend. A lack of understanding may result in a prosecutor not moving the case forward.

For example, a driver's license is a widely accepted form of identification and driver's licenses obtained fraudulently have far reaching implications. This fraud may impact several areas, including:

1. Highway safety, by allowing an unqualified driver to falsely appear eligible to drive
2. Public safety, by allowing sex offenders to conceal their true identity and gain access to unauthorized areas or children, or by allowing subjects restricted from flying to be able to board an aircraft
3. Financial and insurance fraud which can cover or support other criminal activity
4. Employment related fraud

5. Concealment of past financial problems or criminal history
6. Obtaining of tax funded benefits
7. Access to restricted areas or secure modes of transportation when not authorized

Because of the value placed on identification and vehicle ownership, it is important for MVAs to be diligent in their efforts to deter, detect, and stop fraud. MVAs should promote awareness by prosecutors of the importance of MVA services and credentials. This awareness should include understanding the vital role of prosecutors and how successful prosecutions contribute to deterring and stopping criminal behavior. MVA investigators may take opportunities during case presentations or other meetings to educate prosecutors on the details of MVA operations or case preparation procedures. In addition, MVAs may offer more formal meetings and resource materials for prosecutors to foster prosecutorial understanding of relevant fraud and to foster relationships ahead of a need to present a case for prosecution.

### **2.2 Navigating the Prosecution and Court Process**

MVA fraud cases can be heard and adjudicated by local, state or provincial, or federal courts. Some fraud cases may be processed through civil court or by an administrative action. Prosecutors, or government attorneys assigned to manage civil cases, may assist the MVA investigators or fraud unit in understanding the different types and responsibilities of court systems and their judicial authority. The burden of proof differs between criminal and civil cases. Procedural rules



differ among court systems. MVAs may work with prosecutors to identify the most appropriate venue in which to present a case. This is another example of the benefit of early communication with prosecutors so they can ensure evidence and cases are managed and presented to optimal effect.

Some prosecutor offices use vertical prosecution which means the same prosecutor handles all aspects of the trial from beginning to end. Other prosecutor offices use horizontal prosecution, which means a different prosecutor is involved in different steps as the case moves through the judicial system. For example, in horizontal prosecution, the prosecutor responsible for the preliminary hearing will be different from the one involved in the trial, and possibly different from the one involved in any subsequent appeals. It is helpful for the MVA to understand how the specific prosecutor office operates. MVAs may request training from a prosecutor's office to increase their understanding of the court process or successful case presentation, as well as to foster relationships between the two offices.

## 2.3 Specialized Knowledge

MVAs may have a specialized prosecutor assigned to work all fraud cases, while others may have to interact with a different prosecutor each time. Successful prosecution and resolution of cases relies on a good understanding of the different types of fraud cases and the various avenues to pursue charges or to take administrative action.

The MVA may not be aware of options for charges or actions, especially if the MVA doesn't have a dedicated fraud unit. A specialized prosecutor with experience in MVA fraud may be able to determine the best approach for obtaining the most effective outcome.

Another benefit of having a good relationship with a prosecutor is the ability to provide guidance to MVA employees on how to manage evidence and cases. Ensuring prosecutors receive a complete and comprehensive case will assist in the decision-making process and help prevent the case from being returned

or rejected. This may also improve the prosecution's willingness to work with the MVA in the future. MVAs interested in learning more about charging options, evidence preparation, case presentation, or case management, may request that a specialized prosecutor participate in MVA investigator and employee trainings.

## 2.4 Motor Vehicle Administration Support for Prosecutors

The MVA may assist prosecutors by ensuring evidence collection, preservation, and presentation are in accordance with best practices and legal requirements. It is important to maintain case integrity, which includes the reputations of all MVA staff. MVAs may focus on implementing and enforcing consistent procedures and policies in case development. Standardized processes cultivate trust by prosecutors and courts. This should include at a minimum:

1. Providing a current, factual, and objective investigative report
2. Maintaining proper retention and disposition of MVA records and other supporting evidence
3. Providing both inculpatory and exculpatory evidence known to the MVA
4. Including affidavits or "will-say" documents as part of case presentations
5. Using a reliable case management system
6. Developing a clear process for interpretation of reports and case notes (i.e., spell out acronyms and definitions)

A complete investigation accompanied by a cohesive report and supporting evidence will help the prosecutor's decision-making process and evaluation of the case strength. Cases should be reviewed by a supervisor or legal counsel prior to submission to the prosecutor to ensure there is sufficient evidence to meet or exceed the burden of proof for each individual element of the offense and jurisdiction and venue requirements.



## Chapter 3 Communicating Needs and Informing Prosecutors

### 3.1 Meeting with Prosecutors

There are different types of MVA/prosecutor meetings, each of equal importance. The first type is regularly scheduled “relationship meetings.” These should occur on a regular cycle as deemed appropriate by both parties, whether it be quarterly, semi-annual, or annual. The main purpose of these meetings is to ensure new people are introduced and acquainted and relationships remain strong. The second type of meeting is case specific where a lead investigator and the prosecutor most likely to be assigned to a case meet as needed throughout to ensure the strongest case possible is prepared for the adjudication process.

Prosecution cases may take a year or more and move from preliminary charging processes, through multiple motion hearings, to trial, and through any appeals. MVAs may meet with prosecutors as the case progresses or ask for meetings to prepare for specific motion hearings or trial testimony. MVAs may ask to be informed of and to discuss proposed settlement or plea offers. After the disposition of a case, whether as a declination of prosecution, negotiated settlement, or trial, MVAs may ask to meet with the prosecutor to understand why the case was disposed as it was and to ask for input on ways to improve case preparations or presentations in the future.

The MVA fraud unit should understand the requirements needed for prosecution and should ensure prosecutors are aware of the types of fraud cases being presented. Details should be discussed for typical scenarios, violations, and available MVA evidence

for each type of case. Making a formal appointment with a prosecutor in their office is recommended, but also look for opportunities to informally make introductions such as at meetings, conferences, and community events. If an investigator has experience working with a prosecutor in another jurisdiction, they may leverage that experience to establish credibility with other prosecutors. Investigators may choose to offer their resumes or professional curricula vitae to prosecutors. An introduction or referral from one prosecutor to another will help in building partnerships and trust. Similarly, existing relationships with law enforcement contacts may help establish prosecutor relationships by facilitating initial connections.

### 3.2 Prosecutor and Law Enforcement Associations

Most jurisdictions have prosecutor and law enforcement associations for members to network and collaborate. These organizations offer training and provide opportunities to continue building relationships through networking, educating, and collaborating. MVAs are encouraged to request time on meeting and conference agendas to provide resources and to further educate and promote collaboration. When leveraging these partnerships, MVAs can use the educational slides and *Prosecutor’s Handout* provided with this whitepaper, and include local case examples and success stories to promote MVA case prosecutions to convey the message.

## Chapter 4 Resources

### 4.1 Summary Charts

The following charts are provided as a summary of areas discussed in this whitepaper.

#### *MVA Services and Impacts*

The chart below illustrates the credentials issued by MVAs, offenses investigated pertaining to these credentials, and the impact the offenses can have on the victim and society.

| Offenses  | Impact   | Document Type   | Examples   |
|---|--|---|--|
| <ul style="list-style-type: none"><li>• Identity theft</li><li>• Fraudulent application</li></ul>   | <ul style="list-style-type: none"><li>• Concealed identity and evasion</li><li>• Financial fraud</li><li>• Public and highway safety</li><li>• Government benefits related fraud</li></ul>                     | <ul style="list-style-type: none"><li>• Personal identity</li></ul>   | <ul style="list-style-type: none"><li>• Commercial driver license</li><li>• Driver license</li><li>• Temporary permit</li><li>• Identification card</li></ul>    |
| <ul style="list-style-type: none"><li>• Motor vehicle fraud and theft</li><li>• Fraudulent application</li></ul>  | <ul style="list-style-type: none"><li>• Tax fraud</li><li>• Insurance fraud</li><li>• Theft</li><li>• Odometer fraud</li><li>• Title washing (removal of brands)</li><li>• Public and highway Safety</li></ul> | <ul style="list-style-type: none"><li>• Vehicle identity</li></ul>  | <ul style="list-style-type: none"><li>• Vehicle registration</li><li>• Certificate of title</li></ul>  |
| <ul style="list-style-type: none"><li>• Fraudulent application and compliance with administrative rules and state, provincial, and federal laws</li></ul> | <ul style="list-style-type: none"><li>• Financial and credit fraud</li><li>• Consumer protection</li><li>• Public safety</li></ul>   | <ul style="list-style-type: none"><li>• Motor vehicle dealer sales and licensing regulations</li><li>• Vehicle inspection reports</li></ul> | <ul style="list-style-type: none"><li>• Motor vehicle dealer licenses and permits</li><li>• Salesperson licensing</li><li>• Vehicle inspector licenses</li></ul> |

#### *Civil, Criminal, and Administrative Action*

MVA services and credentials are subject to unlawful activity and may result in action being needed in criminal or civil courts, as well as at administrative tribunals. The following are examples of investigations conducted related to MVA services and credentials and areas where MVAs may be able to assist prosecutors.

| Type of Action | Case Examples  |
|----------------|--|
| Civil          | <ul style="list-style-type: none"> <li>• Injunctions</li> <li>• Cases seeking remedy for damages</li> <li>• Consumer claims against licensed vehicle dealers</li> </ul>  |
| Criminal       | <ul style="list-style-type: none"> <li>• Investigations for case preparation for violations of criminal code involving the application and issuance of MVA services and credentials</li> <li>• Investigations of third-party vendors and other entities conducting services on behalf of MVAs and regulated by them</li> <li>• Providing corroborating data, evidence, and information where there is a nexus of credentials issued and regulated by MVAs</li> </ul> |
| Administrative | <ul style="list-style-type: none"> <li>• Investigations of third-party vendors and other entities conducting services on behalf of MVAs and regulated by them</li> <li>• Assistance with cases pursued administratively to revoke, suspend, and/or cancel credentials issued or privileges granted</li> </ul>  |

### Resources for Prosecutors

Information maintained by MVAs from services and credentials provided can be a valuable resource for prosecutors. This information may be used as evidence of a crime and may provide relevant information to assist in a variety of investigations. The following chart provides examples of situations when an MVA may be able to assist a prosecutor's office. Jurisdiction laws, rules, and policies govern how MVAs may be able to provide information and resources.

| Document Type               | Examples of Assistance Offered  |
|-----------------------------|---|
| Personal identity documents | <ul style="list-style-type: none"> <li>• Applications and documents supporting issuance of credential</li> <li>• Identify known associates</li> <li>• Application history for individuals under investigation or victims of fraud</li> <li>• Known addresses of current or former vehicle owners</li> <li>• Contact information such as email and phone numbers</li> <li>• Biometric data history such as photos and fingerprints</li> <li>• Jurisdiction, provincial, and federal statutes; rules and regulations</li> </ul> |
| Vehicle identity documents  | <ul style="list-style-type: none"> <li>• Title history</li> <li>• Registration history</li> <li>• Known addresses of current or former vehicle owners</li> <li>• Purchase price and tax paid</li> <li>• Lien and title information</li> <li>• Supporting title documents and applications for title</li> <li>• Jurisdiction, provincial, and federal statutes; rules and regulations</li> </ul>   |
| Fraud statutes              | <ul style="list-style-type: none"> <li>• Federal statutes</li> <li>• Jurisdiction statutes</li> <li>• Case precedence or attorney general opinions</li> </ul>   |
| MVA contact information     | <ul style="list-style-type: none"> <li>• Name, title, and position</li> <li>• Mailing and email addresses</li> <li>• Contact numbers and alternate numbers</li> <li>• Office hours</li> </ul>   |

## 4.2 Prosecutor's Handout

Included as a supplement to this whitepaper is a *Prosecutor Handout* which is intended to be provided to prosecutors to give them an idea of MVA needs and resources. This handout highlights civil and criminal activity associated with MVA credentials and services, along with providing information about MVA resources. Jurisdictions are encouraged to modify this handout to meet their needs and to include information applicable to their jurisdiction. One way to establish a relationship with a prosecutor ahead of any case presentation is to request assistance with reviewing, providing feedback, or offering jurisdiction specific input about this handout.

## 4.3 Educational Slides

A set of presentation slides is included with this whitepaper to provide jurisdictions with information that could be included with a prosecutor presentation. Many slides contain talking points within the notes section to aid the presenter with additional insight to share. Jurisdictions are encouraged to include jurisdiction specific content and to customize the material depending on need. Jurisdictions may use the provided educational slides or insert the content into a jurisdiction specific presentation. Local prosecutors may be asked to assist with the preparation of jurisdiction specific slides.

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## **OUR VISION**

*Safe drivers*

*Safe vehicles*

*Secure identities*

*Saving lives!*



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