



3-9-2010

TENNESSEE DEPARTMENT OF SAFETY vs.  
1991 Ford F150 Pick-up Truck VIN No.:  
1FTDF15YNNA31003, Seized from: Tony Lee  
Brockwell, Date of Seizure: May 7, 2009, Claimant:  
Tony Lee Brockwell, Lienholder: Titlemax of  
Tennessee

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**BEFORE THE COMMISSIONER OF THE  
TENNESSEE DEPARTMENT OF SAFETY**

IN THE MATTER OF:	)	
	)	
TENNESSEE DEPARTMENT OF	)	
SAFETY	)	
	)	DOCKET NO. 19.05-106826J
	)	[D.O.S. CASE NO. J 4282]
	)	
	)	
v.	)	
	)	
1991 Ford F150 Pick-up Truck	)	
VIN No.:1FTDF15YNNA31003	)	
Seized from: Tony Lee Brockwell	)	
Date of Seizure: May 7, 2009	)	
Claimant: Tony Lee Brockwell	)	
Lienholder: Titlemax of Tennessee	)	

**INITIAL ORDER**

The hearing in this matter was held on March 9, 2010 in Fall Branch, Tennessee, before Mattielyn B. Williams, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the

Commissioner of the Tennessee Department of Safety. Ms. Nina F. Harris, Staff Attorney, Tennessee Department of Safety, represented the State. Claimant Tony Lee Brockwell appeared and represented himself.

The subject of the hearing was the proposed forfeiture of the subject 1991 Ford F150 Pick-up Truck, seized for its alleged operation by an individual whose driving privileges had been revoked or suspended for driving a motor vehicle while under the influence of an intoxicant (“DUI”), pursuant to Tennessee Code Annotated §55-50-504(h)2.

After consideration of the record, it is **DETERMINED** that the subject vehicle should be **FORFEITED** to the seizing agency for disposition as provided by law.

This decision is based upon the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. Officer George Sauceman, of the Hamblen County Sheriff’s Department, testified that he stopped the subject vehicle on May 7, 2009, after it veered into his lane of traffic. The subject vehicle was being driven by Claimant Tony Lee Brockwell.

2. Officer Sauceman further testified that the Claimant appeared to be under the influence of alcohol, at the time, based on Claimant failing three (3)

field sobriety tests. As of May 7, 2009, Claimant Brockwell's driver's license was revoked due to several earlier DUIs. Claimant was arrested for DUI earlier that same day. The subject vehicle was seized.

3. Claimant's blood alcohol was drawn at the hospital and tested at the TBI Lab as 0.16, as shown by Exhibit 1.

4. Exhibit 2, a certified copy of Claimant's "DUI driving record only" Report, as of March 5, 2010, shows that Claimant was convicted of five (5) DUIs in Hamblen County, i.e. on June 12, 1980, October 28, 1982, March 4, 1986, September 21, 1989, and May 13, 2009. Claimant's driving license is not eligible for restoration until July 13, 2010, according to Exhibit 2.

5. Claimant Brockwell conceded that he had been drinking alcohol on May 7, 2009. Claimant continued that he drinks beer and wine, despite AA attendance. Claimant testified that "he doesn't drink that much."

6. The record was left open for two (2) weeks for the Claimant to file certain letters or documents as late-filed Exhibits. As of June 7, 2010, nearly three (3) months later, those Exhibits have not been filed.

7. Lienholder Titlemax of Tennessee was notified of the seizure, but failed to file to protect its interests.

### **CONCLUSIONS OF LAW**

1. The State was required to carry its burden of proof, by a preponderance of the evidence, that on May 7, 2009, Claimant Brockwell was driving the subject vehicle at a time when his driver's license was revoked for a DUI offense, thus making the vehicle subject to forfeiture, pursuant to T.C.A. §55-50-504(h)2.

2. Based on Officer Sauceman's testimony and review of Exhibit 2, it is **CONCLUDED** that Claimant Brockwell was driving the subject vehicle at a time when his driver's license was revoked for Tennessee DUI convictions.

3. Based on the foregoing, it is hereby **ORDERED** that Claimant's 1991 Ford F150 Pick-up Truck is **FORFEITED** to the seizing agency, for disposition as provided by law, free of the claim and interest of Claimant Tony Lee Brockwell and free of the interest of Lienholder Titlemax of Tennessee.

This Initial Order entered and effective this 8th day of June, 2010.

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Mattielyn B. Williams

Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State this 8th day of June, 2010.

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Thomas G. Stovall, Director

Administrative Procedures Division