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February 2015

Adam Rasmussen vs. Safety

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**BEFORE THE COMMISSIONER OF THE TENNESSEE DEPARTMENT OF
SAFETY AND HOMELAND SECURITY**

IN THE MATTER OF:

Dept. of Safety and Homeland Security,

Vs.

**One 2009 Chevrolet Silverado
VIN: 2GCEC290691102755
Seized From: Adam Rasmussen
Date of Seizure: 3/17/2013
Claimant(s): Adam Rasmussen
Lienholder: First South Financial**

**DOCKET NO: 19.05-129200J
SAFETY NO: N6486**

INITIAL ORDER

This matter was heard on November 4, 2014, in Memphis, Tennessee before Michael Begley, Administrative Law Judge, assigned by the Secretary of State, Administrative Procedures Division and designated to sit for the Commissioner of the Tennessee Department of Safety and Homeland Security. Attorney Andre Thomas represented the State, and Claimant was represented by attorney John H. Parker.

The issue in this case is whether the State properly seized Claimant's interest in the above referenced vehicle for a violation of T.C.A. §55-50-504. After consideration of the record in this matter, it is determined that a clerical oversight led to the State seizing Claimant's vehicle. The officer on the scene based the seizure off of incorrect information that showed Claimant was driving on a revoked license due to DUI when Claimant's license had actually been reinstated. Due to a clerical oversight between the county and court records, Claimant's license incorrectly appeared as revoked. As such, the subject vehicle shall be returned to Claimant immediately.

It is **CONCLUDED** that considering the totality of the evidence, Claimant has shown, by a preponderance of the evidence, that Claimant's license was active at the time of seizure and that the vehicle was incorrectly seized.

IT IS THEREFORE ORDERED that the Forfeiture Warrant filed in this matter is hereby **DISMISSED**, and the subject property shall be returned to Claimant immediately. Claimant shall not be assessed any storage fees or other costs associated with this action as long as he claims the vehicle within five (5) working days following receipt of this Order.

This Initial Order entered and effective this _____ day of _____ 2015.

Michael Begley
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this _____ day of _____ 2015.



J. Richard Collier, Director
Administrative Procedures Division