



University of Tennessee, Knoxville  
**Trace: Tennessee Research and Creative  
Exchange**

---

Tennessee Department of State, Opinions from the  
Administrative Procedures Division

Law

---

February 2015

## Adam Rasmussen vs. Safety

Follow this and additional works at: [http://trace.tennessee.edu/utk\\_lawopinions](http://trace.tennessee.edu/utk_lawopinions)

---

This Initial Order by the Administrative Judges of the Administrative Procedures Division, Tennessee Department of State, is a public document made available by the College of Law Library, and the Tennessee Department of State, Administrative Procedures Division. For more information about this public document, please contact [administrative.procedures@tn.gov](mailto:administrative.procedures@tn.gov)

**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