



7-29-2010

DEPARTMENT OF SAFETY vs. Dale K3350  
Staggs 2003 Dodge V.I.N.  
3D7MA48C63G841704, Seized from: Dale  
Staggs, Seizure date: March 13, 2010, Claimant:  
Estate of Dale Staggs, Lienholder: N/A

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

**IN THE MATTER OF:**

**Dale (K3350) Staggs  
2003 Dodge  
V.I.N. 3D7MA48C63G841704  
Seized from: Dale Staggs  
Seizure date: March 13, 2010  
Claimant: Estate of Dale Staggs  
Lienholder: N/A**

**DOCKET NO: 19.01-108711J**

**INITIAL ORDER**

This matter was heard on July 29, 2010 before Joyce Carter-Ball, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Orvil Orr, attorney for the Department of Safety, (hereafter "Department") represented the State. The Estate of Dale Staggs (hereafter "Claimant") was represented by its legal counsel, William J. Eledge.

The subject of this hearing was the proposed forfeiture of the seized 2003 Dodge for its alleged use in violation of T.C.A. §53-11-201 et seq and 40-33-201 et seq.

After review of the record and arguments of the parties, it is DETERMINED that the seized vehicle at issue should **be returned to the Claimant.**

This conclusion is based on the following findings of fact and conclusions of law:

## FINDINGS OF FACT

1. On March 13, 2010, Officer Gary Mills met Dale Staggs at Mr. Staggs's home. Officer Mills found a methamphetamine lab at the residence, with funnels, tubing and home-made fitting.

2. Dale Staggs showed Officer Mills a safe where he had \$87,500.00. Officer Mills seized the methamphetamine lab, but he did not seize the currency. Mr. Staggs showed Officer Mills papers as proof that he had received the currency from a settlement.

3. Officer Mills received a call to return to Mr. Staggs's residence on March 13, 2010. At that time, Mr. Staggs was found dead at his home. Mr. Staggs died from a drug overdose.

4. When Officer Mills returned to Mr. Staggs's home on March 13, 2010, the safe had been broken into and the \$87,000.00 was gone.

5. When Officer Mills returned to Mr. Staggs's home on March 13, 2010, the subject vehicle was parked in the drive way. No drugs were found in the subject vehicle, however items used to make methamphetamine were found in the subject vehicle, the house and yard.

6. There is no proof that Mr. Staggs' heirs (the Estate) were linked to making methamphetamine.

7. At the time the subject vehicle was seized, Claimant was deceased.

8. There was no testimony as to who may have driven the subject vehicle last, or who may have put the items used to make methamphetamine in the subject vehicle.

**No drugs were found in the subject vehicle.**

9. The subject vehicle is registered to Dale Staggs.
10. There was no proof that Mr. Staggs, at any time, sold illicit drugs.

### CONCLUSIONS OF LAW

1. The State of Tennessee, as the moving party in this case, has the burden to introduce evidence that would, by a preponderance of the evidence, prove the issues should be resolved in its favor. Rule 1360-4-1-.02.
2. Vehicles used in violation of the Tennessee Drug Control Act are subject to forfeiture pursuant to the provisions of T.C.A. §53-11-451.
3. T.C.A. §53-11-451 (a)(2) All raw materials, products and equipment of any kind which are used, **or intended for use**, in manufacturing, compounding, processing, delivering, importing or exporting any **controlled substance** in violation of parts 3 and 4 of this chapter, are subject to forfeiture.
4. T.C.A. §53-11-451 (a)(6)(A) authorizes the forfeiture of “Everything of value furnished, **or intended to be furnished**, in **exchange** for a **controlled substance** in violation of the Tennessee Drug Control Act of 1989...all proceeds traceable to such an exchange, **and all moneys**, negotiable instruments, and securities used, **or intended** to be used, to facilitate any violation of the Tennessee Drug Control Act of 1989.
5. The Department of Safety bears the burden of proof in forfeiture proceedings and must prove, by a preponderance of the evidence, (1) that the seized property was used in a manner making it subject to forfeiture . . . and (2) the **owner** or co-owner of the property knew that the property was being used in a manner making it subject to

forfeiture, or, in the case of a secured party, that the standards set out in subsection (f) are met. T.C.A. §40-33-210(a) (2).

A secured party's interest may be forfeited if, from evidence presented at the hearing, the administrative head of the applicable agency finds that;

(1) The secured party is a co-conspirator to the activity making the property subject to forfeiture; or

(2) The secured party, at the time the interest attached, had **actual** knowledge of the intended illegal use of the property. A secured party who acquired an interest in the ordinary course of business shall be presumed to have no actual knowledge of an intended illegal use and shall have no duty to inquire as to the record or reputation of a borrower. T.C.A. §40-33-210(f)

Failure to carry the burden of proof operates as a bar to the proposed forfeiture. §T.C.A. 40-33-210(b)(1) and Department of Safety Rule 1340-2-2-.15.

### **ANALYSIS**

It is not disputed that Dale Staggs was making methamphetamine and it is clear that he was using this drug, which unfortunately caused his death. However, the proof does not show that Mr. Staggs was **selling** illegal drugs.

Remnants of items used to make methamphetamine were found in the subject vehicle, however the **proof does not show that Mr. Staggs was involved in drug trafficking**. Further, there was no proof that Mr. Staggs' heirs were in any way involved with making or using methamphetamine.

Based on the above, it is **ORDERED** that the subject 2003 Dodge be **RETURNED** to the Estate of Dale Staggs.

**IT IS SO ORDERED.**

This Initial Order entered and effective this 2nd day of August, 2010.

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Joyce Carter-Ball  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,  
this 2nd day of August, 2010.



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Thomas G. Stovall, Director  
Administrative Procedures Division