



11-8-2011

TENNESSEE DEPARTMENT OF SAFETY vs.
One 1995 Chevrolet Camaro V.I.N. No.:
2G1FP22P8S2142585, Seized from: Isais Estrada-
Vieyra, Date of Seizure: June 16, 2011, Claimant:
Isais Estrada-Vieyra, Lienholder: ORNL Federal
Credit Union

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

IN THE MATTER OF:)	
)	
TENNESSEE DEPARTMENT)	
OF SAFETY)	
)	
v.)	DOCKET NO. 19.05-114689J
)	[D.O.S. Case No. L 7765]
)	
One 1995 Chevrolet Camaro)	
V.I.N. No.:2G1FP22P8S2142585)	
Seized from: Isais Estrada-Vieyra)	
Date of Seizure: June 16, 2011)	
Claimant: Isais Estrada-Vieyra)	
Lienholder: ORNL Federal Credit Union)	
)	

INITIAL ORDER

The contested hearing in this matter came forward on November 8, 2011, in Knoxville, Tennessee, before Mattielyn B. Williams, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, sitting for the Commissioner of the Tennessee Department of Safety. Ms. Nina Harris, Staff Attorney III, Tennessee Department of Safety, represented the State. The Claimant, Mr. Isais Estrada-Vieyra, represented himself. Lienholder ORNL Federal Credit Union was represented by Attorney Thomas Dickenson, of the Knoxville Bar.

The subject of this matter was the proposed forfeiture of the subject 1995 Chevrolet Camaro, seized for its alleged operation by an individual who was driving on a revoked license, pursuant to Tennessee Code Annotated §55-50-504.

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, subject to the lien of ORNL Federal Credit Union.

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

FINDINGS OF FACT

1. Officer Jeremy Dishner, of the Lenoir City Police Department, testified that on June 16, 2011, while on patrol, he observed the subject 1995 Chevrolet Camaro being driven recklessly, with its tires squealing. Claimant/Driver Isais Estrada-Vieyra was driving the subject vehicle when it was stopped.

2. When Officer Dishner asked Claimant/Driver for his driver's license, Claimant/Driver admitted that he did not have a license. Dispatch advised that Claimant/Driver's license had been revoked for a November 17, 2010 DUI conviction and had not yet been re-instated.

3. Officer Dishner arrested Claimant/Driver and seized the subject vehicle.

4. Claimant/Driver did not deny the accuracy of Exhibit 1, a certified copy of his DUI driver license report. Claimant/Driver testified that he wanted his vehicle returned but made no legal argument to support his request.

5. No evidence was presented to show that ORNL Federal Credit Union was aware that Claimant/Driver would be driving the subject vehicle without a driver's license.

CONCLUSIONS OF LAW

1. The State was required to carry its burden of proof, by a preponderance of the evidence, that on June 16, 2011, Claimant/Driver Estrada-Vieyra was driving the subject vehicle at the time when his driver's license was revoked for a DUI conviction, thus making the vehicle subject to forfeiture, pursuant to T.C.A. §55-50-504.

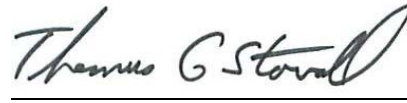
2. It is **CONCLUDED** that the State **MET** its burden.

3. Based on it being driven by such a person, it is hereby **ORDERED** that the subject 1995 Chevrolet Camaro **BE FORFEITED** to the seizing agency, for disposition as provided by law, subject to the lien of ORNL Federal Credit Union.

This Initial Order entered and effective this 2 day of February, 2012

MATTIELYN B. WILLIAMS
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of
State, this 2 day of February, 2012



Thomas G. Stovall, Director
Administrative Procedures Division