



3-21-2007

DEPARTMENT OF SAFETY FORFEITURE
PROCEEDING vs. One 1995 Mercury Sable
VIN: 1MELM50U6SA644793, Seized From:
Daniel Hage 6, Seizure Date: December 18, 2006,
Claimant: Daniel Hage, Lienholder: None Filed

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

IN THE MATTER OF:]	
DEPARTMENT OF SAFETY]	FORFEITURE PROCEEDING
]	
v.]	
]	
One 1995 Mercury Sable]	
VIN: 1MELM50U6SA644793]	DOCKET # 19.05-095057J
Seized From: Daniel Hage]	(D.O.S. # F-8856)
Seizure Date: December 18, 2006]	
Claimant: Daniel Hage]	
Lienholder: None Filed]	

INITIAL ORDER

This contested administrative case was heard in Knoxville, Tennessee, on March 21, 2007, before J. Randall LaFevor, Administrative Judge, assigned by the Secretary of State and sitting for the Commissioner of the Tennessee Department of Safety. Ms. Lori Long, Staff Attorney for the Tennessee Department of Safety, represented the State. The Claimant appeared *pro se*.

The subject of the hearing was the proposed forfeiture of the described vehicle for its alleged operation by an individual whose driving privileges had been revoked or suspended for driving a motor vehicle while under the influence of an intoxicant (“DUI”). Upon full consideration of the entire record in this matter, it is determined that the subject vehicle should be FORFEITED as provided by law. This decision is based on the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On December 18, 2006, an officer with the Clinton Police Department was dispatched to be on the lookout for a possible drunk driver in a green Mercury Sable on S. Seivers Blvd., in Clinton, Tennessee. Shortly thereafter, the officer saw the vehicle, and followed it for about a mile, noting that the car crossed the fog line several times. When the officer turned on his blue lights, the vehicle stopped in the middle of the road.

2. When the Trooper approached the vehicle, the driver, Daniel Hage [“Claimant”], was unable to produce a valid vehicle operator’s license. The officer determined that the Claimant’s vehicle operator’s license had been revoked for a prior DUI conviction in Blount County, Tennessee.

3. As a result of this encounter, the officer seized the Claimant’s vehicle, and later sought and obtained a Vehicle Forfeiture Warrant for the subject vehicle. The Claimant, owner of the vehicle, filed a claim for its return, resulting in the scheduling of the instant contested administrative case hearing.

4. Department of Safety records¹ established that the Claimant had a prior DUI conviction on July 17, 2003, and that his license was revoked by the Tennessee Department of Safety on September 15, 2003. His license had not been restored by the date of the vehicle stop and seizure.

CONCLUSIONS OF LAW & ANALYSIS

1. The law provides that it is illegal for a person to operate a motor vehicle at a time when his license to drive has been revoked. It further provides that, if the revocation was ordered due to a DUI conviction, any vehicle driven by the offender during the period of revocation is subject to seizure and forfeiture. TCA § 55-50-504(a)(1) and (h)(1).

2. The state has the burden of proving, by a preponderance of the evidence, that the seized property fits within the statute defining its illegal use, thereby rendering it subject to forfeiture. Rule 1340-2-2-.15(4), TENN. COMP. R. & REGS., *Rules of the Tennessee Department of Safety*.

3. In order to prevail in this case, the State must prove (1) that the Claimant was driving the subject vehicle, and (2) that he was doing so at a time when his license to drive had been revoked for a DUI conviction. The State’s evidence proved that the Claimant’s license was revoked on September 15, 2003 due to his July 17, 2003 conviction for driving under the influence of an intoxicant. He did not comply with the

¹ See Exhibit #1: Department of Safety Driving Record

requirements for reinstatement of his license. While his license was still revoked, he was driving the subject vehicle when he was stopped by the officer for suspicion of DUI on December 18, 2006. Under these circumstances, the law provides that the Claimant's vehicle is subject to forfeiture.

The State has successfully met its burden of proof. Accordingly, it is hereby ORDERED that the subject 1995 Mercury Sable is FORFEITED to the seizing agency, the Clinton Police Department, for disposition as provided by law.

Entered and effective this 4th day of April, 2007.

J. Randall LaFevor, Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 4th day of April, 2007.



Charles C. Sullivan, II, Director
Administrative Procedures Division