



7-25-2007

DEPARTMENT OF SAFETY vs. ONE 1991
VOLVO VIN NO.: YV1AA8843M1431725,
SEIZED FROM: ROGER SHUTTERS II DATE
OF SEIZURE: March 12, 2007 CLAIMANT:
ROGER SHUTTERS II

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

IN THE MATTER OF:)	
)	
DEPARTMENT OF SAFETY)	
)	
v.)	DOCKET NO. 19.05-096312J
)	DOS Case No. G2517
ONE: 1991 VOLVO)	
VIN NO.: YV1AA8843M1431725)	
SEIZED FROM: ROGER SHUTTERS II)	
DATE OF SEIZURE: March 12, 2007)	
CLAIMANT: ROGER SHUTTERS II)	

INITIAL ORDER

This administrative proceeding was heard on July 25, 2007, in Chattanooga, Tennessee, before Anthony Adgent, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety. The Honorable Lori Long, Staff Attorney for the Department of Safety, represented the State. Claimant proceeded without counsel.

The subject of this hearing was the proposed forfeiture of the subject 1991 Volvo. The vehicle was allegedly being operated by Claimant whose driving privileges had been revoked or suspended for driving a motor vehicle while under the influence of an intoxicant ("DUI"). After consideration of the record and pre-hearing stipulations of the parties it is DETERMINED that the subject vehicle should be FORFIETED to the seizing agency. This decision is based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On March 12, 2007, Officer Rick Harris of the Collegedale Police Department stopped Claimant for a traffic violation.
2. Claimant was driving the subject 1991 Volvo.
3. Claimant is the owner of the subject vehicle.
4. Officer Harris determined that Claimant's driver's license was revoked pursuant to a prior DUI conviction.
5. The subject 1991 Volvo was seized.

CONCLUSIONS OF LAW

1. The State carried its burden of proof, by a preponderance of the evidence, that Claimant was driving the subject 1991 Volvo after his driving privileges had been revoked pursuant to a previous DUI conviction.
2. T.C.A. 55-50-504 Driving while license cancelled, suspended or revoked—
Minors—Forfeiture.—

(h)(1) The vehicle used in the commission of a person's violation of §55-50-504, when the original suspension or revocation was made for a violation of §55-10-401, or a statute in another state prohibiting driving under the influence of an intoxicant, is subject to seizure and forfeiture in accordance with the procedure established in title 40, chapter 33, part 2. The department is designated as the applicable agency, as defined by §40-33-202, for all forfeitures authorized by this subsection.
3. It is **CONCLUDED** that pursuant to the provisions of T.C.A. § 55-50-504(h) the seized 1991 Volvo is hereby **FORFIETED** to the seizing agency.

This Initial Order entered and effective this 1st day of August, 2007.

Anthony Adgent
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 1st day of August, 2007.

Thomas Stovall, Director
Administrative Procedures Division