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7-3-2008

DEPARTMENT OF SAFETY vs. 1994 Ford  
Explorer, Vin : 1FMDU32X8RUA70834, Seized  
from: Grant D. Brown, Date of Seizure: January 23,  
2008, Claimant: Grant D. Brown

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BEFORE THE COMMISSIONER OF THE  
TENNESSEE DEPARTMENT OF SAFETY

IN THE MATTER OF: )  
 )  
DEPARTMENT OF SAFETY )  
 )  
v. ) DOCKET NO. 19.05-099535J  
 ) DOS Case No. H0407  
1994 Ford Explorer )  
Vin : 1FMDU32X8RUA70834 )  
Seized from: Grant D. Brown )  
Date of Seizure: January 23, 2008 )  
Claimant: Grant D. Brown )

INITIAL ORDER

This administrative proceeding was heard on July 3, 2008, in Knoxville, Tennessee, before John Hicks, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety. Nina Harris, Staff Attorney for the Department of Safety, represented the State. Claimant Grant D. Brown proceeded without counsel.

The subject of this hearing was the proposed forfeiture of the subject 1994 Ford Explorer for its alleged operation by Claimant whose driving privileges had been revoked or suspended for driving a motor vehicle while under the influence of an intoxicant ("DUI").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, it is DETERMINED that the subject 1994 Ford Explorer 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 January 21, 2008, Deputy Caswell Clark of the Knox County Sheriff's Department arrested Claimant Grant D. Brown for leaving the scene of an accident and driving on a revoked driver's license.
2. Deputy Clark determined that Claimant's driver's license was revoked pursuant to a Tennessee DUI conviction.
3. Claimant's driver's license was revoked pursuant to a June 14, 2006 DUI conviction in Knox County, Tennessee.
4. Claimant is the owner of the subject 1994 Ford Explorer.
5. The subject 1994 Ford Explorer was seized.

## CONCLUSIONS OF LAW

1. The State carried its burden of proof, by a preponderance of the evidence, that on January 21, 2008, Claimant Grant D. Brown was driving the subject 1994 Ford Explorer after his driving privileges had been revoked pursuant to a Tennessee DUI conviction.
2. 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 1994 Ford Explorer is subject to forfeiture.

4. It is CONCLUDED that the seized 1994 Ford Explorer should be forfeited to the seizing agency pursuant to the provisions of T.C.A. § 55-50-504(h).

5. It is ORDERED that the 1994 Ford Explorer seized from Claimant Grant D. Brown is FORFEITED to the seizing agency.

This Initial Order entered and effective this 15th day of July, 2008.

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John Hicks  
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 15th day of July, 2008.

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Thomas G. Stovall, Director  
Administrative Procedures Division