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Law

6-16-2009

DEPARTMENT OF SAFETY vs. DOS CASE
NO: H7428 ONE 2000 PONTIAC TRANS AM,
VIN NO: 2G2FV22G5Y2122000, SEIZED
FROM: JOE A. BLALOCK, DATE OF
SEIZURE: 9/29/08, CLAIMANT: JOE A.
BLALOCK

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

IN THE MATTER OF:)	
)	
DEPARTMENT OF SAFETY)	
)	DOCKET NO: 19.05-103346J
VS.)	DOS CASE NO: H7428
)	
ONE: 2000 PONTIAC TRANS AM)	
VIN NO:2G2FV22G5Y2122000)	
SEIZED FROM: JOE A. BLALOCK)	
DATE OF SEIZURE: 9/29/08)	
CLAIMANT: JOE A. BLALOCK)	

INITIAL ORDER

This matter came to be heard on June16, 2009, in Knoxville, Tennessee before Anthony A. Adgent, Administrative Judge, assigned by the Secretary of State and sitting for the Commissioner of the Tennessee Department of Safety. Ms. Lori Long, attorney for the Department of Safety, represented the State of Tennessee. The Claimant, Joe Ann Blalock, was present and was represented herself.

At issue in this hearing was the proposed forfeiture of one 2000 Pontiac Trans Am, seized from Blalock on September 29, 2008.

After consideration of the record and the arguments and evidence presented by the parties, it is **DETERMINED** that subject property **SHALL BE FORFIETED** to the seizing agency.

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

FINDINGS OF FACT

1. Officer Nicole Gray of the Alcoa Police Department was called to investigate an auto accident on September 29, 2008.

2. Ms. Blalock was the driver of one of the autos involved in the accident.
3. Ms. Blalock has a DUI conviction from August 4, 2005.
4. At the time of the accident Ms. Blalock's Blood Alcohol Test showed a result of .34%.

CONCLUSIONS OF LAW AND ANALYSIS

1. The State carried its burden of proof, by a preponderance of the evidence, showing that Claimant was operating the subject automobile while under the influence of alcohol after her driving privileges had been revoked pursuant to a previous DUI conviction in violation of T.C.A. 55-50-504.

2. Testimony offered by Officer Gray regarding Ms. Blalock's condition at the crash scene and supported by the submission of the BAT showing .34% alcohol level.

3. Records were also submitted showing a prior DUI conviction dating from August, 2005.

4. Therefore it is hereby **ORDERED** that the seized auto be Forfeited to the seizing agency.

Entered this 23rd day of June, 2009.

Anthony Adgent
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State
this 23rd day of June, 2009.

Thomas Stovall, Director
Administrative Procedures Division