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11-18-2010

DEPARTMENT OF SAFETY vs. One 1993
HONDA CIVIC VIN: JHMEG865XPS049433,
Seized From: ALYSON MARY GAYLE, Seizure
Date: 4/28/10, Claimant: ALYSON MARY
GAYLE ORDER

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

IN THE MATTER OF:

DEPARTMENT OF SAFETY

v.

**One 1993 HONDA CIVIC
VIN: JHMEG865XPS049433
Seized From: ALYSON MARY GAYLE
Seizure Date: 4/28/10
Claimant: ALYSON MARY GAYLE**

**DOCKET NO. 19.05-110364J
[DOS Case No. K5242]**

ORDER

This matter came to be heard on November 18, 2010, before Thomas G. Stovall, Administrative Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety in Knoxville, Tennessee. Mr. Will Lundy, Staff Attorney for the Department of Safety (Department), represented the State. The Claimant, Alyson Mary Gayle, was present and not represented by counsel.

The subject of this hearing was the proposed forfeiture of the subject vehicle for its alleged operation by an individual whose driver's license had been revoked or suspended for driving a motor vehicle under the influence of an intoxicant (DUI). After consideration of the record it is determined that the subject vehicle should be **FORFEITED** to the seizing agency. This decision is based upon the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The subject of this hearing was the seizure of the subject 1993 Honda Civic from the Claimant by the Oak Ridge Police Department on April 28, 2010. The Claimant is the owner of the subject vehicle.
2. On April 28, 2010, Officer Daniel McFee of the Oak Ridge Police Department stopped the subject vehicle for making a turn without the use of a turn signal.

The Claimant was driving the subject vehicle. Upon checking the status of the Claimant's driver's license, Officer McFee determined that the license had been revoked for DUI on October 29, 2009, and was not eligible for reinstatement until October 12, 2011.

CONCLUSIONS OF LAW

1. The State has carried its burden of proof by a preponderance of the evidence that on April 28, 2010, the Claimant was driving the subject vehicle after her driver's license had been revoked pursuant to a DUI conviction, thus making the vehicle subject to forfeiture pursuant to the provisions of T.C.A. Section 55-50-504(h).

2. Based upon the foregoing, it is hereby **ORDERED** that the subject 1993 Honda Civic be **FORFEITED** to the seizing agency for disposition as provided by law.

This Initial Order entered this 29th day of November, 2010. Stovall
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 29th day of November, 2010.

Thomas G. Stovall, Director
Administrative Procedures Division