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5-5-2012

DEPARTMENT OF SAFETY vs. One 1987 Ford
F-150, V.I.N. # 1FTCF15N1HNA74533, Seized
from: Willie Rogers, Date of Seizure: February 14,
2012, Claimant: Willie Rogers

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

IN THE MATTER OF:

DEPARTMENT OF SAFETY

V.

One 1987 Ford F-150

V.I.N. # 1FTCF15N1HNA74533

Seized from: Willie Rogers

Date of Seizure: February 14, 2012

Claimant: Willie Rogers

DOCKET NO: 19.05-117172J

D.O.S. Case # M3521

INITIAL ORDER

This matter was heard on June 5, 2012 in Memphis, Tennessee, before Leonard Pogue, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety. Mr. Andre Thomas, Staff Attorney for the Department of Safety, represented the State. The Claimant was present and represented himself.

The issue in this case is whether the State properly seize the Claimant's interest in the above referenced vehicle because he violated T.C.A. §55-50-504, *et seq* and T.C.A. 40-33-101 *et seq*. After consideration of the record in this matter, it is determined that the 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. On February, 7, 2012, Claimant was involved in a motor vehicle accident involving the subject vehicle which is owned by Claimant. Claimant did not have a valid driver's license at the time of the accident. Claimant's license was revoked for a DUI conviction in 1993.

2. Department of Safety records¹ established that the Claimant had a prior DUI in August, 1993(2nd offense) and that his license was revoked by the Tennessee Department of Safety. His license had not been restored by the date of the accident.

CONCLUSIONS OF LAW

1. 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*.

2. The law provides that it is illegal for a person to operate a motor vehicle at a time when his license to drive has been revoked.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).

3. The State's evidence proved that the Claimant's license was revoked due to his prior conviction for driving under the influence of an intoxicant. He did not comply with the requirements for reinstatement of his license.

¹ See Exhibit #1: Department of Safety Driving Record

The State has successfully met its burden of proof. For these reasons, it is **Ordered** that the vehicle be **forfeited** to the seizing agency for disposition as provided by law

This Initial Order entered this 25 day of June, 2012

Thomas G. Stovall, Director
Administrative Procedures Division