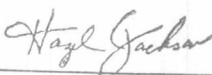


**IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA**

WINDY M. NOLAN, :  
Petitioner, : Docket No.:  
 : OSAH-DDS-MVSRA-1305055-60-  
v. : Woodard  
 :  
DEPARTMENT OF DRIVER SERVICES, :  
Respondent. : Agency Reference No.: 006881881



FEB 26 2013

  
Hazel Jackson, Legal Assistant

**FINAL DECISION**

**I. Introduction**

Petitioner, Windy Nolan, appeals Respondent's, the Georgia Department of Driver Services, decision to suspend Petitioner's Georgia driver's license pursuant to Georgia's Motor Vehicle Safety Responsibility Act (MVSRA). A hearing was held as scheduled at the Office of State Administrative Hearings. The Petitioner appeared *pro se* and Respondent was represented by Vicki Judd, Esq. For the reasons indicated below, the suspension of Petitioner's Georgia driver's license and vehicle registration by the Department is **AFFIRMED**.

**II. Findings of Fact**

1. On March 4, 2010, Petitioner's daughter, Angel McNabb, drove Petitioner's vehicle and caused a car accident with Ms. Sandra Bingham. According to the Progressive Auto Insurance Coverage Summary, Ms. McNabb was an excluded driver under the vehicle's insurance policy. (Testimony of Petitioner; Exhibit P-1).
2. On February 24, 2011, an Order and Judgment was entered in the Magistrate Court of Fulton County against Petitioner in the amount of \$2,244.41.<sup>1</sup> (Exhibit R-1).
2. Petitioner has not paid the judgment, nor has her insurance carrier made arrangements to pay Ms. Bingham. (Testimony of Petitioner).

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<sup>1</sup> Petitioner filed a Motion to Vacate and Set Aside the Judgment on July 17, 2012 claiming that she never received notice of the hearing held on February 24, 2011.

3. On July 31, 2012, Respondent notified Petitioner that Petitioner's Georgia driver's license would be suspended because the judgment remained unpaid. (Exhibit R-2).

4. Petitioner testified that she made an effort to reach an agreement with Ms. Bingham to pay her judgment debt, but her calls to Ms. Bingham were not returned. (Testimony of Petitioner).

### **III. Conclusions of Law**

1. The pertinent law and rules governing this matter are O.C.G.A. § 40-9-1 *et seq.*, the "Motor Vehicle Safety Responsibility Act" and the Department's Safety Responsibility Rules at Chapter 570-28 of the Rules and Regulations of the State of Georgia. Respondent bears the burden of proving by a preponderance of the evidence that its decision to suspend Petitioner's driver's license was proper. OSAH Rules 7 & 21 (2010).

2. O.C.G.A. § 40-9-61(a) states: "The department, upon receipt of a certified copy of an unsatisfied judgment, shall suspend the driver's license and vehicle registration or nonresident's operating privilege of the person against whom such judgment was rendered. . . ."

3. O.C.G.A. § 40-9-62(a) states: "A driver's license, vehicle registration, or nonresident's operating privilege suspended pursuant to Code Section 40-9-61 shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of the judgment debtor, whether or not he or she was previously licensed, unless and until every such judgment is stayed, or satisfied in full. . . ."

5. In the present case, Petitioner has been adjudged liable for damages in a civil suit. As of the date of entry shown below, there is no evidence that the judgment has been set aside or satisfied. Therefore, Respondent properly suspended Petitioner's driver's license and vehicle registration. (O.C.G.A. § 40-9-61(a) and O.C.G.A. § 40-9-62(a))

**IV. Decision**

**IT IS HEREBY ORDERED THAT** the decision of the Department to suspend Petitioner's Georgia driver's license and vehicle registration is **AFFIRMED**.

**SO ORDERED**, this 26 day February, 2013.



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**Barbara A. Brown**  
Administrative Law Judge