

U.S. mail no. 7022 0410 0002 2445 0241

% 10520 Brickhill Lane
Soddy-Daisy, Tenn. 27279
July 26, 2023

David Gerregano
Commissioner of Revenue
500 Deaderick Street
Nashville, TN 37242

Dear Commissioner Gerregano,

Does the department of revenue make available to members of the traveling public a convenience and necessity plate or letter indicating that the holder is using the public roadways and freeways per right and outside your purview?

The car in question is VIN 2HKRL1859YH575510, plate no. 774BGWC, according to your correspondence at PIN No. VBUUMWUG.

Does the department have such a plate or proof I can show law enforcement officers that I am not using the public road for commerce or for hire, one that admits I am behind the wheel for private pleasures, duties, personal purposes and for the exercise of constitutionally guaranteed, God-given unalienable and inherent rights under common law?

Attached is a 1-page affidavit stating I do not use the roads for hire in any capacity. Such facts rebut the statutory presumption at T.C.A. § 55-10-312 that the car is *exclusively* a motor vehicle for hire, subject to your department.

I am a radio journalist, with my occupation, calling, trade, vocation and living entirely in a studio and at city locations where news occurs. I use the automobile purely for private necessities, private business (not transportation) and do not carry goods or people for hire, private profit or gain in a way that affects the public interest and would require me to obtain permission from the departments of revenue and safety to participate in taxable activities under privilege, and am thus a nontaxpayer insofar as the driving privilege goes in Tennessee law pertaining to taxable activities, occupations, callings, vocations or trades.

Kindly tell me if the department will by document recognize my status as a private party on the road apart from the taxable, regulable activities otherwise under your purview.

Respectfully yours,


David Jonathan Tulis

1 enclosure, Affidavit of mistake, 3pp

David Jonathan Tulis,)	
Petitioner)	
)	Case no.
V.)	VBUUMWUG
)	
David Gerregano,)	
Defendant)	

Notice of appeal

Comes now petitioner, in *persona propria*, with an interest in the operation of the car-cum-motor vehicle VIN 2HKRL1859YH575510 cited under PIN VBUUMWUG to assert through notice timely filed his rights under the uniform administrative procedures act for a contested case hearing to challenge defendant Gerregano’s suspension of the vehicle’s registration without due process or a lawful cause.

Gerregano’s actions against rights of petitioner via the department’s vehicle services division are not based on the record, and not based on the law, and are *ultra vires*.

Proceedings thus far

1. Gerregano sends petitioner a notice of suspension July 21, 2023, stating “your vehicle registration has been suspended” and he has been assessed a F\$125 fee.
2. The notice, a fourth, follows three other notices of record and correspondence between petitioner and Shawn Ploss in the department’s financial responsibility section.
3. Email correspondence June 29 reveals that petitioner requests “30 days additional time before any steps are made *** to negatively affect registration of the car” so petitioner is “reviewing the statute apparently being enforced upon me.”
4. Mr. Ploss says “Tennessee like most all states requires proof of insurance for all vehicles plated and used on public road” and that in the EIVS system since 2017

“all 350 plus [insurance] companies that have a Tennessee policy report those to us.”

5. Petitioner, reviewing T.C.A. 55, chapter 12, asks Ploss, “Could you please tell me where I am liable for performance under this law? Do you have a record that I have been involved in an accident?”
6. Ploss does not answer these two questions.
7. He does not cite the statute giving authority to revoke the registered status of the car.
8. Neither agent nor principal Gerregano not indicate record of an accident.
9. Petitioner sends Gerregano a certified letter dated July 19, 2023, stating:
 - i. Tennessee is an after-crash state. *Burress v. Sanders*, 31 S.W.3d 259, 263 (Tenn. Ct. App. 2000), *Erwin v. State Farm Mut. Auto. Ins. Co.*, 232 F. Supp. 530, 533 (E.D. Tenn. 1964). Chapter 12 declares a driver or operator has a duty to prove financial responsibility to the safety commissioner after a qualifying accident.
 - ii. What evidence do you have that I have been involved in a qualifying crash?
 - iii. On what legal basis are you threatening to revoke the validity of the registration?

According to my research and best knowledge, I am not out of compliance with any state or federal law, Mr. Gerregano. I demand that you cease and desist any further claims against my rights under Tennessee law. If you do not I will consider further steps by you an oppression, harm and injury done by you personally, outside of law under mere coloration of law.

10. On July 21, 2023, Gerregano sends petitioner a “vehicle registration suspension notice,” absent a hearing before the injury is done as to the record and the law. “[Y]our vehicle registration has been suspended,” the letter says; it cites Tenn. Code Ann. § 55-5-117(b), which provision merely adds financial responsibility law in chapter 12 of this title as an authority for revoking a registration, on grounds elsewhere not identified.
11. As Gerregano has no record of an accident, it is unclear how he can evoke authority of the financial responsibility law upon petitioner.
12. This revocation has been done without meaningful occasion to be heard before Gerregano takes action to injure petitioner in his federal and state rights, and is done apart from the record and apart from the financial responsibility law.
13. Gerregano has not denied the petitioner’s notice that Tenn. Code Ann. § 55-12-101 *et seq* show Tennessee is a post-accident state, yet has moved to injure petitioner in his personal capacity, arbitrarily and capriciously, apart from law, without a hearing for petitioner, subjecting him to criminal prosecution, false imprisonment, false arrest and abuse by his employees, agents, allies, corporate partners, business partners, combinations, colleagues or co-conspirators.
14. Gerregano is exercising authority apart from facts regarding the van, and thus outside the scope of the statute, infringing on petitioner’s right and title to ingress and egress from his house in commerce, and his right and title to ingress and egress from his house privately, outside privilege, free from any use of police power against him apart from law or warrant for *nontaxpayer*-related activity.

Relief demanded

Petitioner demands a hearing to establish that he is subject to the financial responsibility statute as Gerregano has evidence about petitioner of which he is not aware, and that Gerregano is enforcing § 55-12-101 *et seq* according to law, and not according to his personal caprice, whim, custom or policy. Petitioner:

1. Demands evidence from Gerregano that he has had an accident subject to § 55-12-101 *et seq*.
2. Demands Gerregano defend the statute pursuant to the aforementioned court cases and the rules of statutory construction that give his department authority to administer the law contrary to its plain meaning.

3. Demands stay of execution on revocation of registration until this challenge is settled.
4. Demands, in the alternative, a F\$3.33 refund of the tax paid for the Honda Odyssey minivan VIN 2HKRL1859YH575510, good through Aug. 31, 2023, or for the 42 days remaining under its term of registration, due for renewal Aug. 31, 2023, per department notice, this demand conditioned on the registration intending to be continued, and not expiring of its own right under law.

Respectfully submitted,



David Jonathan Tulis

EXHIBITS

1. Certified letter to Cmsr. Gerregano asking for convenience and necessity plate or letter
2. Affidavit of Mistake, 3pp

David Jonathan Tulis Affidavit of Mistake

Rescission of authority of signature on entry into privileged occupation of driving

David Jonathan Tulis, being of sound mind and body, testifies that he lives in Hamilton County, Tenn., and hereby testifies of his mistaken understanding of his rights, and of his remedying these errors with a correct understanding of these constitutionally guaranteed rights and how to assert them.

This affidavit accounts for how affiant mistakenly yielded his rights under error, deception and delusion, and how he herein acts to rectify these errors by rescission of the authority of his signature on state-proffered documents.

How mistake came about

1. In childhood and in teen years, people of authority said that it is essential for one to have a driver license to use a car, and said in various ways that it is illegal, wrong, unjust, and a crime to use the road apart from the having of the state's privilege and its license.
2. These instructions to the affiant through his teen years led him to believe that there is no right to travel and freely communicate by car, truck or motorbike.
3. These authority figures include mother, father, public school teacher, elder and religious institution, Sunday school teacher, older children who had gotten permits to drive, adult licensees of the department of safety and homeland security, officials quoted in media, reporters telling readers and listeners and viewers about police enforcement activities, accounts in the press about car accidents and police enforcement on the roads, among others.
4. The mistaken understanding is this: *That it is illegal and unlawful for affiant to get behind the wheel of a car or truck, turn on the Ignition switch, press his foot upon the gas pedal, make the car go forward on driveway and public road, and proceed to travel down the people's road and freeway to a destination.*
5. It was his understanding that such an act was a crime, and that it was just for any police officer to criminally charge him or any person in such an activity. It was his understanding that such a person should be found guilty in court, either by the judge or by a jury, and that such person is a malefactor and a criminal who owes a debt to society either by fine, punishment or prison.

Affiant obtains correct view of rights of communication

6. Since that time, affiant has learned about his rights.
7. He has reviewed the Tennessee constitution, the U.S. constitution, and also reviewed Tennessee law and court cases as regards his rights of communication and personal movement and the disabilities in the state's motor vehicle law.
8. Affiant understands that the moving of his body and person and personal effects and goods from any one point of a map to another point of a map is a matter of right under the rubric of communication, that it need not be through the exercise of a taxable state privilege pursuant to Tenn. Code Ann. Title 55 or 65 regarding carriers.
9. Communication is simply the affiant's dealing with other people in society, whether they be friends, families, rivals, competitors, sales prospects, business partners, activist associates, political activists, party leaders, university professors, students, instructors, experts, politicians, fellow voters, fellow members of a tribe or religious denomination, or others.
10. The word communication entails the use of means to express oneself and to obtain expressions from other people. These means include the U.S. mail, the telephone, email, the Internet, and also the physical movement of his person and effects from one place to another. He can go from point A to point B bodily, in his natural person, in his *persona propria, sui juris*, in the exercise of his God-given constitutional, inherent and unalienable rights.
11. The affiant has learned that to exercise his rights, he must involve himself in communication with other people. That includes going by car or personal mode of travel to see and visit them.
12. The freedom of seeing other people is called free association or the exercise of the right of association. That is a right under Tenn. const. Art. 1, sect. 23. There are other rights as well, affiant declares.
13. These rights include the right to petition for redress of grievances, the right to exercise the franchise of the vote, the right to participate in political activity, the right to participate in religious activity of worship of God; the rights of the press under Tenn. Const. Art. 1, sect. 19; the right of bearing arms, which means the right of moving his weapons from point A to point B; the right of marriage and the liberty to go to and from a place of marriage and to and from a place of celebration of marriage; the right to creative acts in the arts, whether visual or

figurative, and the necessity to travel in the creative process; and many other rights too many to enumerate.

Rescission of signature

14. Given that he has been misled about these God-given liberties, he hereby rescinds the authority of his signature on every document presented by state of Tennessee and its agents in application for any appurtenance relating to the calling, avocation, trade or occupation called driving or operating a motor vehicle.
15. He rescinds the authority of these signatures under mistake and error on his part, whether on the part of the opposite party by fraud, deceit, harm, conniving or by honest language, honorable intent, lawful discourse he is not entirely sure.
16. His calling, avocation, trade or occupation as a member of the press are other than that of operating a motor vehicle, and thus he absolutely and forever rescinds his signature on these various earlier applications, whether they be for a driver license with the department of safety, or to register a car as a motor vehicle with the department of revenue and its local agent, the county clerk.
17. This rescission of signature is conditional on results of a state employee challenge to affiant's use of a car under driver license or license plate.
18. If these employees succeed with colorable claims that affiant's right to drive and operate a registered motor vehicle is simultaneously an admission that he yields, waives and surrenders enjoyment of the underlying federal right to communicate and travel freely, then affiant declares this affidavit operative, and all signatures of application void and null, as they are obtained under mistake and fraud.

Further affiant sayeth naught. I swear the above and foregoing representations are true and correct to the best of my information, knowledge and belief.

David Jonathan Tulis

David Jonathan Tulis

STATE OF TENNESSEE, COUNTY OF HAMILTON — I, the undersigned Notary Public, do hereby affirm that David Jonathan Tulis personally appeared before me on the 26th day of July, 2023, and signed this affidavit as his free and voluntary act and deed.



Ann L. Walton

Notary Public

Commission Exp: 08/17/2026