



2-6-2006

DEPARTMENT OF SAFETY vs. ONE 1990
PONTIAC SUNBIRD Case No. E3971VIN:
1G2JB54K9L7542687, Seized From: JUSTIN
SCOTT DREHER, Seizure Date: 7/17/05,
Claimant: JUSTIN SCOTT DREHER

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

IN THE MATTER OF:)	
)	
DEPARTMENT OF SAFETY)	
)	
v.)	
)	DOCKET NO. 19.01-087503J
ONE 1990 PONTIAC SUNBIRD)	[Case No. E3971]
VIN: 1G2JB54K9L7542687)	
Seized From: JUSTIN SCOTT DREHER)	
Seizure Date: 7/17/05)	
Claimant: JUSTIN SCOTT DREHER)	

ORDER OF DEFAULT

This matter came to be heard on February 6, 2006, before Leonard Pogue, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety in Nashville, Tennessee. Mr. Orville Orr, Staff Attorney for the Department of Safety, represented the State. The Claimant, Justin Scott Dreher, was not present nor was an attorney present on his behalf.

The subject of this hearing was the proposed forfeiture of the subject property for the failure of the Claimant to take custody of the vehicle. The matter was heard upon the State's Motion to be granted an Initial Default Order due to the Claimant's failure to appear at the hearing after receiving proper notice thereof. After consideration of the record it is determined that the State's Motion is proper and should be **GRANTED**. It is further **ORDERED** that the subject property 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 vehicle was seized by the Mount Juliet, Tennessee Police Department on July 17, 2005. On October 31, 2005, an Order of Compromise and Settlement was entered by the Department which provided that the vehicle was to be restored to the claimant upon payment by claimant of \$500.00 to the Mount Juliet PD Drug Fund. Claimant was ordered to make payment and take custody of the vehicle within thirty (30) days or it would be forfeited to the seizing agency. Claimant failed to make payment and retrieve the vehicle and the Department set the instant proceeding to give Claimant an opportunity to show cause why his interest should not be forfeited.

2. Claimant did not appear at the hearing. Notice of the hearing was sent to Claimant by certified mail, and delivered on January 6, 2006.

CONCLUSIONS OF LAW

1. Department of Safety Rule 1340-2-2-.17(1) provides in part:

(d) No default shall be entered against a claimant for failure to attend except upon proof by the filing of the return receipt card, that the legal division has given notice of the hearing...

(e) Upon default by a party, an administrative judge may enter either an Initial Default Order or an Order for an uncontested proceeding...

2. The State having established that the Claimant, Shirley Carter, received notice of the hearing and failed to appear, it is determined that the State has complied with the requirements of the above referenced Rule.

3. Accordingly, it is determined that the State's motion should be **GRANTED** and the Claimant be held in **DEFAULT**. It is further **ORDERED** that the subject property be **FORFEITED** to the seizing agency.

This Initial Order entered this 22nd day of February, 2006.

Leonard Pogue
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of
State, this 22nd day of February, 2006.

Charles C. Sullivan, II, Director
Administrative Procedures Division