



11-30-2011

TENNESSEE DEPARTMENT OF SAFETY vs.
One 2009 Dodge Charger VIN No.:
2B3KA43D19H523212, Seized from: Andre
Robinson, Date of Seizure: July 22, 2011, Claimant:
Andre Robinson, Lienholder: Santander
Consumer

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

IN THE MATTER OF:)	
)	
TENNESSEE DEPARTMENT OF)	
SAFETY)	
)	DOCKET NO. 19.05-114919J
)	[D.O.S. CASE NO. L 8166]
v.)	
)	
One 2009 Dodge Charger)	
VIN No.: 2B3KA43D19H523212)	
Seized from: Andre Robinson)	
Date of Seizure: July 22, 2011)	
Claimant: Andre Robinson)	
Lienholder: Santander Consumer)	
)	

**NOTICE OF DEFAULT;
INITIAL ORDER**

A hearing was held in this matter on November 30, 2011 in Dyersburg, Tennessee, before Mattielyn B. Williams, 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, Tennessee Department of Safety, represented the State. Claimant Andre Robinson had been representing himself, but did not appear for the hearing.

No attorney appeared on the Claimant's behalf. The Claimant had not moved that the hearing be continued.

The subject of the hearing was the proposed forfeiture of the subject 2009 Dodge Charger, seized by the Union City Police Department, for its alleged

operation by an individual whose driving privileges had been revoked or suspended for driving a motor vehicle while under the influence of an intoxicant (“DUI”), pursuant to Tennessee Code Annotated §55-50-504(h)2 and 55-10-403.

The State moved that the Claimant be held in default. Exhibit 1, a photocopy of the US Postal Service receipt record, showed that “Warren Johnson,” at Claimant Andre Robinson’s address of record, signed on October 12, 2011, acknowledging receipt of Claimant’s copy of the Notice of Hearing.

It was **DETERMINED** that the State made a reasonable and adequate effort to provide the Claimant notice of the date, time, and location of the hearing. The State’s Motion for Default was **GRANTED**.

NOTICE OF DEFAULT

NOTICE IS HEREBY GIVEN THE CLAIMANT THAT THE CLAIMANT HAS BEEN HELD IN DEFAULT FOR THE CLAIMANT’S FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. CLAIMANT HAS FIFTEEN (15) DAYS FROM THE EFFECTIVE DATE OF THIS ORDER TO REQUEST THAT THIS FINDING OF DEFAULT BE SET ASIDE. THIS REQUEST MUST BE RECEIVED IN THE OFFICE OF THE SECRETARY OF STATE, ADMINISTRATIVE PROCEDURES DIVISION, SUITE 800, WILLIAM R. SNODGRASS BUILDING, 312 ROSA L. PARKS AVENUE,

NASHVILLE, TENNESSEE 37243, WITHIN THAT 15-DAY PERIOD. THE REQUEST TO HAVE THE FINDING OF DEFAULT SET ASIDE SHOULD INCLUDE THE REASONS TO JUSTIFY THE CLAIMANT'S FAILURE TO ATTEND. IF SUFFICIENT REASONS ARE GIVEN, THE ORDER MAY BE SET ASIDE AND A NEW HEARING SCHEDULED. IF THE CLAIMANT DOES NOT REQUEST THE DEFAULT TO BE SET ASIDE OR OTHERWISE APPEAL THE ACCOMPANYING INITIAL ORDER, THEN THE INITIAL ORDER WILL BECOME A FINAL ORDER SUBJECT TO COURT REVIEW. ANY QUESTIONS REGARDING THIS NOTICE OF DEFAULT OR THE STEPS NECESSARY TO HAVE IT SET ASIDE SHOULD BE SUBMITTED TO THE ADMINISTRATIVE JUDGE SIGNING THIS ORDER BY LETTER OR BY TELEPHONING (615) 741-4469.

Claimant may move to have the Default Set Aside within fifteen (15) days, for good cause shown.

ORDER

The State moved that the claim of Andre Robinson be struck, for failure to appear and come forward to present evidence. The State's Motion to Strike Claimant Robinson's claim was **GRANTED**.

The State also moved that Claimant Robinson's interest, if any, in the subject vehicle, be forfeited to the seizing agency for disposition as provided by

law. The State's Motion to Forfeit Claimant Robinson's interest, if any, was **GRANTED**.

The State advised that there were no other claims pending for the return of the seized vehicle. The State advised that Lienholder Santander Consumer had timely filed to protect its interest.

Therefore, it is hereby **ORDERED** that the seized 2009 Dodge Charger is hereby **FORFEITED** to the seizing agency, for disposition as provided by law, free from the claim and interest of Claimant Andre Robinson, but subject to the lien of Santander Consumer.

This Initial Order entered and effective this 22 day of February, 2012

Mattielyn B. Williams
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State this 22 day of February, 2012

Thomas G. Stovall, Director
Administrative Procedures Division