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9-27-2007

\$310.00 Three hundred ten dollars One Motorola
cell phone, Seized from: Richard T. Moore,
Claimant: Richard T. Moore, Seizure Date:
February 17, 2006

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

IN THE MATTER OF:

**\$310.00 (Three hundred ten dollars)
One Motorola cell phone
Seized from: Richard T. Moore
Claimant: Richard T. Moore
Seizure Date: February 17, 2006**

**DOCKET NO: 19.01-096228J
D.O.S NO: E9924**

NOTICE OF DEFAULT AND INITIAL ORDER

This matter was set to be heard on September 27, 2007 before Joyce Carter-Ball, Administrative Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Orvil Orr, attorney for the Department of Safety, represented the State. Claimant was not present, nor was anyone present on Claimant's behalf.

Counsel for the State made a motion, pursuant to T.C.A. §4-5-309 and Tennessee Department of Safety Rule 1340-2-2-.17, for an order finding the Claimant to be in default. In support of its motion, the State introduced evidence that it sent notice of the hearing by certified mail to the address provided to the Department by Claimant. The certified mail return receipt was introduced as exhibit 1 at the hearing. Based on this evidence, it is **CONCLUDED** that the Department made reasonable efforts to obtain proper service on Claimant. The motion of the State was **GRANTED** and the Claimant was found in **DEFAULT**.

NOTICE OF DEFAULT

NOTICE IS HEREBY GIVEN THE CLAIMANT THAT CLAIMANT HAS BEEN HELD IN DEFAULT FOR FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. CLAIMANT HAS 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, 312 8TH AVENUE NORTH, 8TH FLOOR, WILLIAM R. SNODGRASS TOWER, NASHVILLE, TENNESSEE 37243. THE REQUEST TO HAVE THE FINDING OF DEFAULT SET ASIDE SHOULD INCLUDE THE REASONS TO JUSTIFY THE CLAIMANT'S FAILURE TO ATTEND. IF 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.

The Motion for Default having been granted, the State chose not to conduct the proceeding without the participation of the Claimant, therefore, the proceeding was adjourned.

THEREFORE pursuant to Department of Safety Rule 1340-2-2-.17(2) (b), this claim is hereby **STRICKEN**.

It is **ORDERED** that the subject **\$310.00** and **Motorola cell phone** be **forfeited** to the Seizing Agency.

This Initial Order entered and effective this 2nd day of October, 2007.

Joyce Carter-Ball
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 2nd day of October, 2007.



Thomas G. Stovall, Director
Administrative Procedures Division