



1-8-2008

Anthony Tyler, vs. TENNESSEE DEPARTMENT OF SAFETY, One 1994 Cadillac Deville, VIN NO.: 1G6KD52B1RU215369, Seized From: Anthony Tyler, \$142.00 in U.S. Currency, Seized From: Anthony Tyler, \$1718.22 in a bank account, Seized From: Becky Guan, Date of Seizure: April 10, 2007, Claimant: Anthony Tyler, Lien Holder: None

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

**IN THE MATTER OF:**

**Anthony Tyler**

**v.**

**TENNESSEE DEPARTMENT OF  
SAFETY**

**One 1994 Cadillac Deville  
VIN NO.: 1G6KD52B1RU215369  
Seized From: Anthony Tyler  
\$142.00 in U.S. Currency  
Seized From: Anthony Tyler  
\$1718.22 (in a bank account)  
Seized From: Becky Guan  
Date of Seizure: April 10, 2007  
Claimant: Anthony Tyler  
Lien Holder: None**

**DOCKET NO: 19.01-097790J  
(D.O.S. Case No. G1931 &1930)**

**INITIAL DEFAULT ORDER**

This matter was heard in Memphis, Tennessee, on January 8, 2008, before Rob Wilson, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Joe Bartlett, Staff Attorney for the Department of Safety, represented the State.

The subject of this hearing was the proposed forfeiture of the subject property for its alleged use in violation of T.C.A. §53-11-201 et seq. and §40-33-201 et seq.

Anthony Tyler, Claimant, did not appear at the hearing. The State therefore moved for an initial **default** and dismissal of the case. The motion was **granted** based upon the following findings of fact and conclusions of law.

### **FINDINGS OF FACT**

1. Claimant was sent notice of the hearing by certified mail at his address of record. The United States Postal Service tracking receipt confirms that the notice was unclaimed after repeated delivery attempts.
2. Claimant failed to appear on the day of the hearing. Nor did an attorney appear on Claimant's behalf.
3. The State had its witnesses available and was ready to go forward to prove its case.

### **CONCLUSIONS OF LAW AND ANALYSIS**

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

Upon a default by a claimant, a claimant's claim shall be stricken by initial default order.

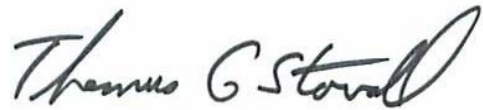
3. The State's motion for default being granted, it is therefore **ordered** that Claimant's **claim be stricken**. The claim being stricken, it is as if no claim had ever been filed, which constructively evokes T.C.A. §40-33-206(c). That section states: "If a claim . . . is not filed with the applicable agency within the time specified . . . the seized property shall be forfeited and disposed of as provided by law." Accordingly the 1994 Cadillac Deville, as well as the \$142.00 in U.S. Currency and the bank account in the amount of \$1718.22 are forfeited to the Shelby County Sheriff's Office.

This Initial Order entered and effective this 17th day of January, 2008.

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Rob Wilson  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,  
this 17th day of January, 2008.



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Thomas G. Stovall, Director  
Administrative Procedures Division