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Administrative Procedures Division

Law

10-13-2010

DEPARTMENT OF SAFETY vs. ONE 1996
SATURN VIN NO: 1G8ZG1279TZ250768,
SEIZED FROM: BRYON HARRIS DATE OF
SEIZURE: 5/7/09 CLAIMANT: BRYON
HARRIS LIEN HOLDER: CASH EXPRESS

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

IN THE MATTER OF:)	
)	
DEPARTMENT OF SAFETY)	
)	DOCKET NO. 19.05-106192J
v.)	DOS CASE NO. J4276
)	
ONE: 1996 SATURN)	
VIN NO: 1G8ZG1279TZ250768)	
SEIZED FROM: BRYON HARRIS)	
DATE OF SEIZURE: 5/7/09)	
CLAIMANT: BRYON HARRIS)	
LIEN HOLDER: CASH EXPRESS)	

INITIAL ORDER

This matter came to be heard on October 13, 2010, in Fall Branch, Tennessee before Rob Wilson, Administrative Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Nina Harris, Attorney for the Department of Safety, represented the State. The lienholder did not appear for the hearing, nor did anyone appear on lienholder's behalf.

This hearing was a “show cause” hearing to determine why the subject vehicle should not be forfeited to the State because the lienholder had failed to take custody of the vehicle after being notified of the forfeiture by Order dated February 11, 2010, and by a letter from the Department of Safety dated August 11, 2010. The August 11, 2010

letter to the lienholder states that the Department of Safety will make a motion for forfeiture if the lienholder does not appear at the hearing scheduled for October 13, 2010.

The lienholder did not appear at the show-cause hearing on October 13, 2010, and the Department of safety made an oral motion to forfeit the lienholder's interest.

In support of its motion, the State introduced evidence that notice of this show cause hearing was sent to the lienholder. The State also introduced a signed, certified mail receipt showing that the lienholder had received the notice on August 14, 2010.

It is determined that the State made reasonable attempts at service of notice upon the lienholder. Because the lienholder was absent from the hearing, he could not show cause why the vehicle should not be forfeited to the state, and was found to be in **DEFAULT**.

After consideration of the evidence offered, the arguments of counsel, and the entire record in this matter, it is **ORDERED** that the seized vehicle 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 State entered the certified mail receipt showing service of notice on the lienholder. The notice of property seizure and forfeiture, the forfeiture warrant, the affidavit in support of forfeiture warrant, the petition for hearing/claim for property, and the order of compromise and settlement were made part of the technical record.

CONCLUSIONS OF LAW

1. The lienholder failed to appear at a show-cause hearing scheduled for October 13, 2010. The Notice of Hearing for the October 13, 2010 hearing clearly states:

If you do not appear at the hearing, the State will enter a motion requesting that your interest in the subject vehicle be forfeited to the seizing agency.

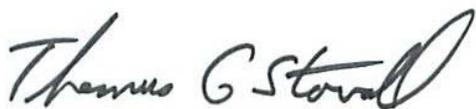
2. After receiving proper notice of the hearing, the lienholder failed to appear to show cause why the vehicle should not be forfeited to the seizing agency.

Accordingly, it is **ORDERED** that the above captioned vehicle be immediately **FORFEITED** to the seizing agency.

This Initial Order entered and effective this 26th day of October, 2010.

Rob Wilson
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 26th day of October, 2010.



Thomas G. Stovall, Director
Administrative Procedures Division