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Law

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TENNESSEE DEPARTMENT OF SAFETY v. One 1988 Plymouth Voyager, VIN No.: 2P4FH4130JR724535, Seized from: Robert Griffin, Date of Seizure: February 27, 2011, Claimant: Robert Griffin, Lienholder: N/A

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BEFORE THE COMMISSIONER OF THE
TENNESSEE DEPARTMENT OF SAFETY

IN THE MATTER OF:	)	
	)	
TENNESSEE DEPARTMENT OF SAFETY	)	
	)	
	)	DOCKET NO. 19.05-117551J
	)	[D.O.S. CASE NO. L3525]
v.	)	
	)	
One 1988 Plymouth Voyager	)	
VIN No.: 2P4FH4130JR724535	)	
Seized from: Robert Griffin	)	
Date of Seizure: February 27, 2011	)	
Claimant: Robert Griffin	)	
Lienholder: N/A	)	
	)	

NOTICE OF DEFAULT;

INITIAL ORDER

The hearing in this Show Cause matter was held on July 9, 2012 in Cookeville, Tennessee, before Mattielyn B. Williams, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, sitting for the Commissioner of the Tennessee Department of Safety. Mr. Jacob Wilson, Staff Attorney, Tennessee Department of Safety, represented the State. Claimant Robert Griffin had been represented by Attorney Nathan White, but neither Claimant Griffin nor Attorney White appeared for the hearing.

The 1988 Plymouth Voyager, that is the subject of this hearing, was seized on February 27, 2011 because the Cannon County Sheriff's Department found Driver Robert

Griffin to be driving the subject vehicle at a time when his driver's license was revoked for DUI.

Through an Agreed Order of June 6, 2011, Claimant Griffin was supposed to pay Three Hundred Dollars ($300.00) to the Cannon County Sheriff's Department Drug Fund and retrieve the subject vehicle on or before June 17, 2011. When time passed without payment or retrieval of the subject vehicle, the State set this matter for a Show Cause hearing. On July 9, 2012, Claimant Griffin was given the opportunity to appear to explain the extensive delay in retrieval of the subject vehicle.

The Claimant had not moved that the hearing be continued.

The State moved that the Claimant be held in default. The Claimant received notice of the Show Cause Hearing on June 11, 2012, through counsel, when Attorney White's office signed the US Postal Service receipt for the Notice of Hearing.

It was **DETERMINED** that the State made a reasonable and adequate effort to provide Claimant Griffin 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 interest of Claimant Griffin be struck, for failure to appear at the hearing and for failure to retrieve the seized vehicle on or before June 17, 2011. The State's Motion to Strike Claimant's interest in the seized vehicle was **GRANTED**.

With there being no other Claimants for the seized vehicle, it is hereby **ORDERED** that the seized 1988 Plymouth Voyager is hereby **FORFEITED** to the seizing agency, for disposition as provided by law, free from the interest, if any, of Claimant Robert Griffin.

This Initial Order entered and effective this 16 day of July, 2012

_____
Mattielyn B. Williams
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State this 16 day of July, 2012

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Thomas G. Stovall, Director
Administrative Procedures Division