



11-28-2012

DEPARTMENT OF SAFETY vs. One 2007
Dodge Ram 1500, VIN: 1D7HA18257S222016,
Seized from: James Anthony Potter, Date of
Seizure: 02-09-12, Claimant: James Anthony
Potter, Lienholder: Finance SVCS America

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

IN THE MATTER OF:

DEPARTMENT OF SAFETY

V.

**One 2007 Dodge Ram 1500
VIN: 1D7HA18257S222016
Seized from: James Anthony Potter
Date of Seizure: 02-09-12
Claimant: James Anthony Potter
Lienholder: Finance SVCS America**

**DOCKET NO: 19.01-119149J
D.O.S. # M3642**

INITIAL ORDER OF DEFAULT AND DISMISSAL

This matter was heard on November 28, 2012 before Leonard Pogue, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety in Nashville, Tennessee. Ms. Hillary Edwards, Staff Attorney for the Department of Safety, represented the State. Claimant was not present nor was an attorney present on his behalf.

The subject of this hearing was the proposed forfeiture of the subject property. The matter was heard upon the State's Motion to be granted an Initial Default Order due to the Claimant's failure to appear at the hearing after receiving proper notice thereof. After consideration of the record, it is determined that the State's Motion is proper and should be **GRANTED**. It is further **ORDERED** that the subject property should be **FORFEITED** to the seizing agency subject to the interest of the lienholder. This decision is based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The subject of this hearing was the seizure of a Dodge Ram from James Anthony Potter by the 19th Judicial Drug Task Force on February, 2012.
2. James Anthony Potter claimed an interest in the vehicle but did not appear at the hearing, nor did his attorney, Kimberly Turner, appear on his behalf. The State provided proof that service of the notice of hearing was served at Claimant's attorney's address of record on October 23, 2012.
3. The State's witnesses were present and the State was prepared to proceed with the hearing.

CONCLUSIONS OF LAW

1. Department of Safety Rule 1340-2-2-.17(1) provides in 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 the 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. It appearing that the State made all reasonable attempts to provide notice of the hearing to the Claimant and he failed to appear, it is determined that the State has complied with the requirements of the above referenced Rule.
3. Accordingly, it is determined that the State's motion should be **GRANTED** and the Claimant be held in **DEFAULT**. It is further **ORDERED** that the vehicle be **FORFEITED** to the seizing agency subject to the interest of the lienholder.

This Initial Order entered this 5 day of December, 2012

Thomas Stovall, Director
Administrative Procedures Division

