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11-29-2012

DEPARTMENT OF SAFETY vs. CLAIMANT:
PAMELA L. STEWART

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

IN THE MATTER OF:

**One 2000 Chrysler Cirrus
VIN: 1C3EJ56H6YN100894
One Hundred Nine Dollars (109.00)
in U.S. Currency
SEIZED FROM: ROCKY L.
WILBANKS, JR.
Date of Seizure: March 29, 2012
CLAIMANT: PAMELA L. STEWART**

**Docket No.: 19.01-119234J
DOS No. M6154**

INITIAL ORDER

This administrative proceeding was set to be heard November 29, 2012, in Chattanooga, Tennessee, before Bettye Springfield, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety. Attorney Alyson Kennedy represented the Department of Safety in this matter. The Claimant was not present nor was counsel present on the Claimant's behalf.

The subject of this proceeding was the proposed forfeiture of the subject property, seized for a narcotics related violation, T.C.A. §53-11-201, 40-33-201, *et seq.*

Because the Claimant was not present, counsel for the Department of Safety provided proof, pursuant to T.C.A. §4-5-309, for an order finding the Claimant to be in default. In support of its motion, the Department of Safety submitted evidence that notice of hearing was mailed to the Claimant by the United States Postal Service Certified Mail and delivery was duly attempted. Based on this evidence, it is determined that the State properly served the notice of hearing upon the Claimant. Therefore, the Claimant is found in default.

The Motion for Default is granted, pursuant to Rule 1340-2-2.17(1)(a) of the Department of Safety, which provides that a party's non-attendance at a second setting of a hearing on the merits after notice thereof is cause for holding such party in default. Pursuant to Rule 1340-2-2.17(2)(b), "[u]pon a default by a claimant, a claimant's claim shall be stricken by initial default order or . . . the agency may proceed uncontested." The Department of Safety elected to have the Claimant's claim stricken without proceeding uncontested.

Accordingly, it is ORDERED that the claim of the Claimant be STRICKEN, and that the interest of the Claimant in the subject property be FORFEITED to the seizing agency.

This Initial Order entered and effective this 25 day of February, 2013

Bettye Springfield
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 25 day of February, 2013

Thomas G. Stovall, Director
Administrative Procedures Division