



8-14-2012

TENNESSEE ALCOHOLIC BEVERAGE,
COMMISSION v. SPECIALITY RESTAURANT
GROUP, D/B/A SILVER SPOON-AMERICAN
CAFÉ

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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) 741-7008.

FINDINGS OF FACT

1. On the date and time designated for the hearing, the Petitioner did not appear.
2. The State provided proof that Petitioner received proper notice of the hearing.

CONCLUSIONS OF LAW

1. Rule 1360-4-1-.15(1)(a) of the “Uniform Rules of Procedure for Hearing Contested Cases before State Administrative Agencies” states:

The failure of a party to attend or participate in a prehearing conference, hearing or other stage of contested case proceedings after due notice thereof is cause for holding such party in default pursuant to T.C.A. §4-5-309.

2. Rule 1360-4-1-.02(3) states, in pertinent part:

The “petitioner” in a contested case proceeding is the “moving” party, i.e., the party who has initiated the proceedings. The petitioner usually bears the ultimate burden of proof.

3. Because the Petitioner did not participate in the hearing after due notice, or carry the burden of proof, it is therefore **ORDERED** that this matter be **DISMISSED** and the requested benefits and/or coverage be denied.

Entered this 16 day of April, 2013

Anthony Adgent
Administrative Judge

Filed in the Administrative Procedures Division, this 16 day of April, 2013

Thomas Stovall, Director
Administrative Procedures Division

Office of the Secretary of State