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November 2014

## Amy Crigger vs. Safety

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**BEFORE THE COMMISSIONER OF THE  
TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

**IN THE MATTER OF:** )  
 )  
**DEPARTMENT OF SAFETY** )  
**& HOMELAND SECURITY** )  
 )  
**v.** )  
 )  
**One 1988 OLDSMOBILE CUTLASS** )  
**VIN: 1G3GR11YXJP326444** )  
**Seized From: AUSTIN CRIGGER** )  
**Seizure Date: 6/7/14** )  
**Claimant: AMY CRIGGER** )

**DOCKET NO. 19.01-128744J**  
**[DOS No. P9595]**

**ORDER OF DEFAULT**

This matter was scheduled to be heard on November 18, 2014, before Thomas G. Stovall, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety and Homeland Security (Department) in Lawrenceburg, Tennessee. Ms. Karen Litwin, Staff Attorney, represented the Department. The Claimant, Amy Crigger, was not present nor was an attorney present on her behalf.

The subject of this hearing was the proposed forfeiture of the subject property. The matter was heard upon the Department’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 Department’s Motion is proper and should be **GRANTED**. It is further **ORDERED** that the subject property should 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 subject of this hearing was the seizure of the subject 1988 Oldsmobile Cutlass from Austin Crigger, by the Columbia Police Department on June 7, 2014. The Claimant Amy Crigger filed a petition for the return of the vehicle.

2. The Claimant did not appear at the hearing. On three occasions attempts were made to deliver the notice of the hearing to her address of record. Each attempt at delivery was unsuccessful and the mail was returned to the Department.

3. The Department's witnesses were present and the Department was prepared to proceed with the hearing.

**CONCLUSIONS OF LAW**

1. Department of Safety and Homeland Security 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 Department made all reasonable attempts to provide notice to the Claimant of the hearing and she failed to appear, it is determined that the Department has complied with the requirements of the above referenced Rule.

3. Accordingly, it is determined that the Department's motion should be **GRANTED** and the Claimant be held in **DEFAULT**. It is further **ORDERED** that the subject property be **FORFEITED** to the seizing agency.

This Initial Order entered and effective this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Thomas G. Stovall  
Administrative Judge

Mailed On:11-25-2014

Filed in the Administrative Procedures Division, Office of the Secretary of State, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2014.

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J. Richard Collier, Director  
Administrative Procedures Division