



11-12-2008

DEPARTMENT OF SAFETY vs. One 1998
Chevrolet Malibu, VIN #
1G1ND52MOWY107317, Seized From: Ray
Harper, Date of Seizure: March 25, 2008, Claimant:
Sandra Hale, Lienholder: American Financial

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

IN THE MATTER OF:

DEPARTMENT OF SAFETY

v.

**One 1998 Chevrolet Malibu
VIN No.: 1G1ND52MOWY107317
Seized From: Ray Harper
Date of Seizure: March 25, 2008
Claimant: Sandra Hale
Lienholder: American Financial**

**DOCKET NO: 19.05-100994J
DOS No. H1854**

INITIAL ORDER

This administrative proceeding was set to be heard on November 12, 2008, in Memphis, 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. Andre Thomas, Staff Attorney with the Department of Safety, represented the State. The Claimant was not present nor was counsel present on her behalf.

The subject of this proceeding was the proposed forfeiture of the subject vehicle, seized for operation by an individual whose driver's license had been suspended or revoked for driving a motor vehicle under the influence of an intoxicant (DUI), in violation of T.C.A. §55-50-504(h), 40-33-201, *et seq.*

The State has presented proof, pursuant to T.C.A. §4-5-309, requesting that the Claimant be found in default. In support of its motion, the State submitted proof that notice of hearing was mailed to the Claimant by Certified Mail and duly delivered. Based on this evidence, it is determined that the State properly served the notice of hearing upon the Claimant. Therefore, the motion is granted, 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, if the agency requests, the agency may proceed uncontested." The State elected to have the Claimant's claim stricken.

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, subject to the interest of the Lienholder.

This Initial Order entered and effective this 4th day of February, 2009.

Bettye Springfield
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 4th day of February, 2009.

Thomas G. Stovall, Director
Administrative Procedures Division