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Carlton A. Clark

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

IN THE MATTER OF:

Carlton A. Clark

**DOCKET NO: 19.01-086770J
DOS NO.'s 2268 & 2269**

INITIAL ORDER

This matter¹ was heard on January 25, 2006, before Todd R. Kelley, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Orville Orr, attorney for the Department of Safety, represented the State. Claimant, Carlton Clark, was not present, nor was counsel present on his behalf.

At the beginning of the hearing, counsel for the State made an oral motion, pursuant to T.C.A. §4-5-309 and Tennessee Department of Safety Rule 1340-2-2.17, for an order finding the Claimant to be in default. In support of its motion, the State introduced evidence that notice was mailed to the Claimant at his address of record by certified mail. Based on this evidence, the motion of the State was **GRANTED**, the Claimant was found in **DEFAULT**.

¹ Department of Safety cases 2268 and 2269 were consolidated for hearing, as they involved property seized at the same time under the same circumstances.

NOTICE OF DEFAULT

NOTICE IS HEREBY GIVEN THE CLAIMANT THAT HE HAS BEEN HELD IN DEFAULT FOR FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. CLAIMANT HAS 15 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER TO REQUEST THAT THIS FINDING OF DEFAULT BE SET ASIDE. THIS REQUEST MUST BE RECEIVED IN THE OFFICE OF THE SECRETARY OF STATE, ADMINISTRATIVE PROCEDURES DIVISION, 312 EIGHTH AVENUE NORTH, WILLIAM R. SNODGRASS TOWER, 8TH FLOOR, NASHVILLE, TENNESSEE 37243. THE REQUEST TO HAVE THE FINDING OF DEFAULT SET ASIDE SHOULD INCLUDE THE REASONS TO JUSTIFY THE CLAIMANT'S FAILURE TO ATTEND. IF CLAIMANT DOES NOT REQUEST THE DEFAULT BE SET ASIDE OR OTHERWISE APPEAL THE ACCOMPANYING INITIAL ORDER, THEN THE INITIAL ORDER WILL BECOME A FINAL ORDER SUBJECT TO COURT REVIEW. ANY QUESTIONS REGARDING THIS 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.

The Motion for Default having been granted, the State chose not to conduct the proceeding without the participation of the Claimant.

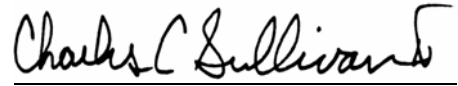
According to Rule 1340-2-2-.17(2)(b) of the Department of Safety, “[u]pon a default by a Claimant, a Claimant’s claim shall be stricken by [the] initial default order”, if the department chooses not to proceed uncontested. Further, pursuant to Tennessee Code Annotated Section 40-33-206(c), if a claim is not filed with the Department of Safety, the property shall be forfeited.

The State’s attorney stated that no claims, other than the subject claim, had been filed in the matter. Consequently, it is **ORDERED** that the property be forfeited to the seizing agency, subject to the interest of any lienholder who has filed a claim pursuant to Tennessee Code Annotated Section 40-33-205.

This Initial Order entered and effective this 1st day of February 2006.

Todd R. Kelley
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 1st day of February 2006.

Handwritten signature of Charles C. Sullivan, II in cursive script.

Charles C. Sullivan, II, Director
Administrative Procedures Division