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7-27-2006

DEPARTMENT OF SAFETY vs. One 1991 Jeep
Laredo VIN No.: 1J4FJ58S3ML515793, Seized
from: Carol Jones, Date of Seizure: September 2,
2005, Claimant: Carol Jones, Lienholder: N/A

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

IN THE MATTER OF:)	
)	
DEPARTMENT OF SAFETY)	
)	
v.)	DOCKET NO. 19.05-092869J
)	DOS Case No. E5216
One 1991 Jeep Laredo)	
VIN No.: 1J4FJ58S3ML515793)	
Seized from: Carol Jones)	
Date of Seizure: September 2, 2005)	
Claimant: Carol Jones)	
Lienholder: N/A)	

NOTICE OF DEFAULT AND ORDER

This contested administrative matter was heard on July 27, 2006, 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. Trey Phillips, Staff Attorney, represented the Department of Safety. The Claimant, Carol Jones, was not present nor was legal counsel present on her behalf.

This proceeding involves the State's motion that the Claimant show cause as to the reason that her interest in the seized vehicle, that was forfeited pursuant to an Order of Comprise and Settlement dated December 19, 2005, should not be forfeited to the seizing agency.

At the beginning of the hearing, the State made an oral motion pursuant to Tennessee Code Annotated, Section 4-5-309, and Rule 1340-2-2-.17 of the Department of Safety, for an order finding the Claimant to be in default. In support of its motion, the State introduced evidence that notice of this hearing was sent to the Claimant by certified mail and duly received. The Claimant was found to be in DEFAULT.

ORDER

Claimant Carol Jones has not contacted the seizing agency or otherwise made arrangements to take custody of the subject vehicle, in compliance with the Order of Comprise and Settlement. The Department of Safety docketed the matter for hearing and sent the Claimant notice that if she failed to appear, the State would enter a motion requesting that her interest in the subject vehicle be forfeited to the seizing agency.

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 claim stricken without proceeding uncontested.

It is ORDERED that the Claimant having failed to take custody of the subject vehicle and not complied with the arrangements set out in the Order of Comprise and Settlement, her interest in the subject vehicle is FORFEITED to the seizing agency.

This Initial Order entered and effective this 28th day of August 2006.

Bettye Springfield
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 28th day of August 2006.

Charles C. Sullivan II, Director
Administrative Procedures Division