



8-17-2006

DEPARTMENT OF SAFETY vs. One 1992  
Chevrolet Lumina VIN NO.:  
2G1WL54TXN1132061, Seized From: Ricky  
Keys, Date of Seizure: December 23, 2005,  
Claimant: Myra Hodges, Lien Holder: N/A

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

**IN THE MATTER OF:**

**DEPARTMENT OF SAFETY**

v.

**One 1992 Chevrolet Lumina  
VIN NO.: 2G1WL54TXN1132061  
Seized From: Ricky Keys  
Date of Seizure: December 23, 2005  
Claimant: Myra Hodges  
Lien Holder: N/A**

**DOCKET NO: 19.05-093140J  
(D.O.S. Case No. E8408)**

**INITIAL DEFAULT ORDER**

This matter was heard in Knoxville, Tennessee, on August 17, 2006, before William Jay Reynolds, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. William Lundy, Staff Attorney for the Department of Safety, represented the State.

The subject of this hearing was the proposed forfeiture of the subject property for its alleged use in violation of T.C.A. §53-11-201 et seq. and §40-33-201 et seq.

Myra Hodges, Claimant, did not appear at the hearing. The State therefore moved for an initial **default** and dismissal of the case. The motion was **granted** based upon the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

1. Claimant was sent notice of the hearing by certified mail to her address of record.
2. Claimant did not appear on the day of the hearing, nor did an attorney appear on Claimant's behalf.

3. The State had its witnesses available and was ready to go forward to prove its case.

**CONCLUSIONS OF LAW AND ANALYSIS**

1. Department of Safety Rule 1340-2-2-.17(1) provides, in relevant 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 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. Department of Safety Rule 1340-2-2-.17(2) states, in relevant part:

Upon a default by a claimant, a claimant’s claim shall be stricken by initial default order.

3. The State’s motion for default being granted, it is therefore **ordered** that Claimant’s **claim be stricken**. The claim being stricken, it is as if no claim had ever been filed, which constructively evokes T.C.A. §40-33-206(c). That section states: “If a claim . . . is not filed with the applicable agency within the time specified . . . the seized property shall be forfeited and disposed of as provided by law.”


**IT IS THEREFORE ORDERED** the seized property is forfeited to the seizing agency and shall be disposed of as provided by law.

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

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**WILLIAM JAY REYNOLDS  
ADMINISTRATIVE JUDGE**

**FILED** in the Administrative Procedures Division, Office of the Secretary of State, this  
28th day of December, 2006.

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

**CHARLES C. SULLIVAN, II, DIRECTOR  
ADMINISTRATIVE PROCEDURES DIVISION**