



University of Tennessee, Knoxville
**Trace: Tennessee Research and Creative
Exchange**

Tennessee Department of State, Opinions from the
Administrative Procedures Division

Law

8-11-2011

DEPARTMENT OF SAFETY vs. One 1985 Buick
VIN # 1G4BP69Y0FX459749, Seized from: John
Ingram, Date of Seizure: 03-05-11, Claimant: John
Ingram

Follow this and additional works at: http://trace.tennessee.edu/utk_lawopinions



Part of the [Administrative Law Commons](#)

This Initial Order by the Administrative Judges of the Administrative Procedures Division, Tennessee Department of State, is a public document made available by the College of Law Library, and the Tennessee Department of State, Administrative Procedures Division. For more information about this public document, please contact administrative.procedures@tn.gov

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

**IN THE MATTER OF:
DEPARTMENT OF SAFETY**

V.

One 1985 Buick

VIN # 1G4BP69Y0FX459749

Seized from: John Ingram

Date of Seizure: 03-05-11

Claimant: John Ingram

DOCKET NO: 19.05-113583J

D.O.S. # L3637

INITIAL ORDER OF DEFAULT & DISMISSAL

This matter came to be heard on August 11, 2011 before Leonard Pogue, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety in Memphis, Tennessee. Mr. Joe Bartlett, Staff Attorney for the Department of Safety, represented the State. The Claimant, Daphne Calvin, 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 State'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 State'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 property was seized by the Tipton County Sheriff's Department on March 5, 2011.
2. John Ingram claimed an interest in the property but did not appear at the hearing. Service of the notice of the hearing was made at Claimant's address of record on July 9, 2011.
3. The State's witnesses were present and the State was prepared to proceed with the hearing.

CONCLUSIONS OF LAW

1. Department of Safety 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. The State having established that the Claimant received notice of the hearing and failed to appear, it is determined that the State has complied with the requirements of the above referenced Rule.
3. Accordingly, it is determined that the State'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 this 22nd day of August, 2011.

Thomas Stovall, Director

Administrative Procedures Division

