



6-18-2007

DEPARTMENT OF SAFETY, EASTERN
DIVISION, vs. One 1993 Ford Explorer, Vin No.:
1FMDU34X7PUA09887, Seized From: Chad
Allen Hurst, Date of Seizure: August 11, 2003,
Claimant: Donna Hurst, Lien Holder:
NoneAgency: Knox Co S O

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

IN THE MATTER OF:

**DEPARTMENT OF SAFETY,
EASTERN DIVISION,**

v.

**One: 1993 Ford Explorer,
Vin No.: 1FMDU34X7PUA09887,
Seized From: Chad Allen Hurst,
Date of Seizure: August 11, 2003,
Claimant: Donna Hurst,
Lien Holder: None
Agency: Knox Co S O**

**DOCKET NO: 19.01-096165J
D.O.S. Case No. C4093-N**

INITIAL DEFAULT ORDER

THIS MATTER was heard in Knoxville, Tennessee, on 18 June 2007, before William J. Reynolds, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Lori Long, Staff Attorney for the Department of Safety, represented the Department. Donna Hurst failed to appear or otherwise prosecute the claim.

THE SUBJECT vehicle was forfeited and an Order of Compromise and Settlement was entered and dated December 22, 2003. This hearing was a “show cause” hearing to determine why the subject vehicle should not be forfeited to the Agency because the Claimant has failed to take custody of the vehicle or make arrangements for its disposal.

SUBSEQUENTLY, the Department 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 Department introduced

evidence that it had exhausted reasonable efforts to give the Claimant notice of the hearing. The Claimant has not contacted the Department of Safety or an Administrative Judge concerning the hearing. It was DETERMINED that the Claimant was evading service or did not care to pursue her claim. The Claimant was found to be in DEFAULT, and the hearing proceeded without the participation of the Claimant.

ORDER

THE SUBJECT of this hearing is the proposed forfeiture of the subject vehicle because of the Claimant's failure to comply with an agreed Order of Compromise and Settlement. After consideration of the entire record and the argument of counsel, it is ORDERED that the vehicle be FORFEITED. This determination is based upon the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The subject vehicle was before the Commissioner of the Tennessee Department of Safety to consider forfeiture of the vehicle based upon applicable law.
2. In a settlement order entered on 22 December 2003, the Commissioner restored the vehicle to the Claimant on certain terms and conditions.
3. The order further provides that "if the Claimant fails to comply with the terms of this settlement within thirty (30) days from the date of this order, the captioned property will be forfeited to the Seizing Agency."
4. The Claimant has not contacted the seizing agency or otherwise made arrangements to take custody of the subject vehicle. The seizing agency

advised the Commissioner that the Claimant has not complied with the agreed Order. The Commissioner docketed the matter for hearing and sent the Claimant notice that unless the Claimant appeared to explain why the Claimant has not complied with the Order, the vehicle would be forfeited to the seizing agency.

5. Claimant was sent notice of the hearing by certified mail at his address of record. A copy of the envelope shows "Not Deliverable" and "Returned Undeliverable".
6. It is DETERMINED that the Department of Safety has met its burden of proving by a preponderance of the evidence that the Claimant has not complied with the agreed order. The Claimant has not taken custody of the vehicle and has not responded to correspondence concerning the agreement.

THEREFORE, it is ORDERED that the subject vehicle be, and is hereby, FORFEITED.

ORDERED AND ENTERED this 26th day of September, 2007.

WILLIAM J. REYNOLDS
ADMINISTRATIVE JUDGE

FILED in the Administrative Procedures Division, Office of the Secretary of State, this 26th day of September, 2007.

A handwritten signature in black ink that reads "Thomas G. Stovall". The signature is written in a cursive style with a large, looped initial 'T' and 'S'.

**THOMAS G. STOVALL, DIRECTOR
ADMINISTRATIVE PROCEDURES DIVISION**