



9-5-2007

DEPARTMENT OF SAFETY, MIDDLE  
DIVISION, vs. One Six Hundred \$600. U.S.  
Dollars, Harmonica, Seized From: Gary Lynn  
Bowlin, Date of Seizure: 09 March 2007, Claimant:  
Gary Lynn Bowlin, Agency: Macon Co Sheriff

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

**IN THE MATTER OF:**

**DEPARTMENT OF SAFETY,  
MIDDLE DIVISION,**

**v.**

**One: Six Hundred (\$600.) U.S. Dollars,  
Harmonica,**

**Seized From: Gary Lynn Bowlin,**

**Date of Seizure: 09 March 2007,**

**Claimant: Gary Lynn Bowlin,**

**Agency: Macon Co Sheriff.**

**DOCKET NO: 19.01-096684J**

**D.O.S. CASE No. G1275**

**INITIAL DEFAULT ORDER**

**THIS MATTER** was heard in Nashville, Tennessee, on 05 September 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. Orvil Orr, Staff Attorney for the Department of Safety, represented the Department. The Agency, or agency representative, failed to appear. Gary Lynn Bowlin appeared *pro se*.

**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.*

**GARY LYNN BOWLIN**, Claimant, appeared at the hearing. The Agency did not appear. Therefore, the Claimant 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 received notice of the hearing and has appeared for hearing on two separate occasions. A copy of the postal green card shows Gail Glasgow for the Macon County Sheriff's Department signed the agency notice.
2. The Agency failed to appear and the Department attorney did not meet the requisite burden of proof.
3. The Claimant had its witnesses available and was ready to go forward.

## CONCLUSIONS OF LAW AND ANALYSIS

1. *Department of Safety Rule 1340-2-2-.17(1)* provides, in relevant part:
  - (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 Claimant's motion for default being granted, it is therefore **ordered** that Claimant's property be returned immediately with the costs charged to the Department.

**IT IS ORDERED** the subject property be immediately returned to the Claimant without cost to same.

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

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**WILLIAM J. REYNOLDS**  
**ADMINISTRATIVE JUDGE**

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

Handwritten signature of Thomas G. Stovall in cursive script.

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