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6-11-2008

DEPARTMENT OF SAFETY vs. One 1994
Chevrolet K15, VIN No.: 1GNEK18K1RJ431070,
Seized From: Joseph G. Callins, Date of Seizure:
January 5, 2008, Claimant: Joseph G. Callins

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

IN THE MATTER OF:

DEPARTMENT OF SAFETY

v.

**One 1994 Chevrolet K15
VIN No.: 1GNEK18K1RJ431070
Seized From: Joseph G. Callins
Date of Seizure: January 5, 2008
Claimant: Joseph G. Callins**

**DOCKET NO: 19.05-099351J
DOS Nos. G9858 & G9859**

INITIAL ORDER

This administrative proceeding was set to be heard on June 11, 2008, in Humboldt, 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. Joe Bartlett, Staff Attorney with the Department of Safety, represented the State. The Claimant was not present nor was counsel present on his behalf.

The subject of this proceeding was the proposed forfeiture of the subject vehicle, seized for operation by an individual whose driver's license had been suspended or revoked for driving a motor vehicle under the influence of an intoxicant (DUI), in violation of T.C.A. §55-50-504(h), 40-33-201, *et seq.*

At the beginning of the hearing, counsel for the State made an oral motion, pursuant to T.C.A. §4-5-309 for an order finding the Claimant to be in default. In support of its motion, the State introduced evidence that notice of hearing was mailed to the Claimant by Certified Mail and was duly delivered. Based on this evidence, it was determined that the State properly served the notice of hearing upon the Claimant. Therefore, the motion of the State was granted, the Claimant was found in default.

The Motion for Default is granted, pursuant to Rule 1340-2-2.17(1)(a) of the Department of Safety, which provides that a party's non-attendance at a second setting of a hearing on the merits after notice thereof is cause for holding such party in default. 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 Claimant's claim stricken without proceeding uncontested.

Accordingly, it is ORDERED that the claim of the Claimant be STRICKEN, and that the interest of the Claimant in the subject property be FORFEITED to the seizing agency.

This Initial Order entered and effective this 30th day of June, 2008.

Bettye Springfield
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 30th day of June, 2008.

Thomas G. Stovall, Director
Administrative Procedures Division