



11-12-2008

DEPARTMENT OF SAFETY vs. One 1991  
Oldsmobile Cutlass, VIN No.:  
1G3WH54T0MD371758, Seized From: Daryl  
Hodges, Jr., Date of Seizure: March 26, 2008,  
Claimant: Daryl Hodges, Jr., Lienholder: N/A

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

**IN THE MATTER OF:**

**DEPARTMENT OF SAFETY**

**v.**

**One 1991 Oldsmobile Cutlass  
VIN No.: 1G3WH54T0MD371758  
Seized From: Daryl Hodges, Jr.  
Date of Seizure: March 26, 2008  
Claimant: Daryl Hodges, Jr.  
Lienholder: N/A**

**DOCKET NO: 19.01-100991J  
DOS No. H2097**

**NOTICE OF DEFAULT AND ORDER**

This contested administrative matter was set to be heard on November 12, 2008, in Memphis, 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. Andre Thomas, Staff Attorney, represented the Department of Safety. The Claimant was not present nor was legal counsel present on Claimant's behalf.

This proceeding involves the State's motion that the Claimant show cause as to the reason that his interest in the seized vehicle, that was forfeited pursuant to an Order dated May 14, 2008, should not be forfeited to the seizing agency.

At the beginning of the hearing, the State 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 State introduced evidence that notice of this hearing was sent to the Claimant by certified mail and duly received. Therefore, the Claimant was found to be in DEFAULT.

**ORDER**

The Claimant has not contacted the seizing agency or otherwise made arrangements to take custody of the subject vehicle, in compliance with the Order of Comprise and Settlement. The Department of Safety docketed the matter for hearing and sent the Claimant notice that if the Claimant failed to appear, the State would enter a motion requesting that Claimant's interest in the subject vehicle be forfeited to the seizing agency, subject to any valid claims.

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 claim stricken without proceeding uncontested.

It is ORDERED that, having failed to take custody of the subject vehicle and not complied with the arrangements set out in the Order of Comprise and Settlement, the Claimant's interest in the subject vehicle is FORFEITED to the seizing agency, no other valid claims having been filed in this case.

This Initial Order entered and effective this 9th day of February, 2009.

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Bettye Springfield  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 9th day of February, 2009.



Thomas G. Stovall, Director  
Administrative Procedures Division