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8-29-2012

DEPARTMENT OF SAFETY vs. US Currency:
\$140.00, Seized from: Gaynell Barnes, Date of
Seizure: 03-03-12, Claimant: Gaynell Barnes

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

IN THE MATTER OF:

DEPARTMENT OF SAFETY

V.

US Currency: \$140.00

Seized from: Gaynell Barnes

Date of Seizure: 03-03-12

Claimant: Gaynell Barnes

DOCKET NO: 19.01-118066J

D.O.S. # M4766

INITIAL ORDER OF DEFAULT AND DISMISSAL

This matter was heard on August 29, 2012 before Leonard Pogue, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety in Chattanooga, Tennessee. Mr. Robert Ingram, Staff Attorney for the Department of Safety, represented the State. Claimant 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 of this hearing was the seizure of \$140.00 in currency from Gaynell Barnes by the Dunlap Police Department on March 3, 2012.
2. Gaynell Barnes claimed an interest in the currency but did not appear at the hearing, nor did an attorney appear on her behalf. The State provided proof that service of the notice of hearing was made at Claimant's address of record on July 27, 2012.
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. It appearing that the State made all reasonable attempts to provide notice of the hearing to the Claimant and she 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 currency be **FORFEITED** to the seizing agency.

This Initial Order entered this 13 day of September, 2012

Thomas Stovall, Director
Administrative Procedures Division

