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Administrative Procedures Division

Law

7-27-2012

TENNESSEE DEPARTMENT OF SAFETY vs.
Seven Hundred Twenty Dollars (\$720.00) in U.S.
Currency, Seized from: Katrecia Harris, Date of
Seizure: December 15, 2010, Claimant: Katrecia
Harris, Lienholder: N/A

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

IN THE MATTER OF:)	
)	
TENNESSEE DEPARTMENT OF)	
SAFETY)	
)	DOCKET NO. 19.01-112634J
)	[D.O.S. CASE NO. L1311]
v.)	
)	
Seven Hundred Twenty Dollars)	
(\$720.00) in U.S. Currency)	
Seized from: Katrecia Harris)	
Date of Seizure: December 15, 2010)	
Claimant: Katrecia Harris)	
Lienholder: N/A)	
)	

NOTICE OF DEFAULT;

INITIAL ORDER

The hearing in this matter was held on July 27, 2012 in Nashville, Tennessee, before Mattielyn B. Williams, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, sitting for the Commissioner of the Tennessee Department of Safety. Ms. Jennifer Cavanaugh, Metropolitan Attorney, Government of Nashville and Davidson County, represented the State. Claimant Katrecia Harris has been representing herself, but did not appear for the hearing.

Claimant had not moved that the hearing be continued. No attorney appeared on the Claimant's behalf. This was the fourth setting of the matter.

The subject of this matter was the proposed forfeiture of the subject Seven Hundred Twenty (\$720.00) Dollars in U.S. Currency, seized for its alleged use in facilitating, for having been obtained in an exchange, as constituting proceeds or as otherwise involved in an exchange, in violation of the Tennessee Drug Control Act, thus making the property subject to seizure, pursuant to T.C.A. §53-11-451.

The State moved that the Claimant be held in default. Exhibit 1 showed that Claimant's copy of the Notice of Hearing was returned to the Dept. Of Safety marked, "Return to Sender. Attempted, Not Known. Unable to Forward" on June 30, 2012, when mailed to Claimant's address of record.

It was **DETERMINED** that the State made a reasonable and adequate effort to provide Claimant notice of the date, time, and location of the hearing. The State's Motion for Default was **GRANTED**.

NOTICE OF DEFAULT

NOTICE IS HEREBY GIVEN THE CLAIMANT THAT THE CLAIMANT HAS BEEN HELD IN DEFAULT FOR THE CLAIMANT'S FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. CLAIMANT HAS FIFTEEN (15) DAYS FROM THE EFFECTIVE DATE OF THIS ORDER TO REQUEST THAT THIS FINDING OF DEFAULT BE SET ASIDE. THIS REQUEST MUST BE RECEIVED IN THE OFFICE OF THE SECRETARY OF STATE, ADMINISTRATIVE PROCEDURES DIVISION, SUITE 800,

WILLIAM R. SNODGRASS BUILDING, 312 ROSA L. PARKS AVENUE, NASHVILLE, TENNESSEE 37243, WITHIN THAT 15-DAY PERIOD. THE REQUEST TO HAVE THE FINDING OF DEFAULT SET ASIDE SHOULD INCLUDE THE REASONS TO JUSTIFY THE CLAIMANT'S FAILURE TO ATTEND. IF SUFFICIENT REASONS ARE GIVEN, THE ORDER MAY BE SET ASIDE AND A NEW HEARING SCHEDULED. IF THE CLAIMANT DOES NOT REQUEST THE DEFAULT TO BE SET ASIDE OR OTHERWISE APPEAL THE ACCOMPANYING INITIAL ORDER, THEN THE INITIAL ORDER WILL BECOME A FINAL ORDER SUBJECT TO COURT REVIEW. ANY QUESTIONS REGARDING THIS NOTICE OF DEFAULT OR THE STEPS NECESSARY TO HAVE IT SET ASIDE SHOULD BE SUBMITTED TO THE ADMINISTRATIVE JUDGE SIGNING THIS ORDER BY LETTER OR BY TELEPHONING (615) 741-4469.

Claimant may move to have the Default Set Aside within fifteen (15) days, for good cause shown.

ORDER

The State moved that the claim of Katrecia Harris be struck for failure to appear. The State's Motion to Strike Claimant Harris' claim was **GRANTED**.

The State also moved that Claimant Harris' interest, if any, in the subject currency be struck. The State's Motion to Strike Claimant Harris' interest was **GRANTED**.

The State advised that there were no other claims pending for the return of the seized currency.

Therefore, it is hereby **ORDERED** that the seized Seven Hundred Twenty (\$720.00) Dollars in U.S. Currency is hereby **FORFEITED** to the seizing agency, for disposition as provided by law, free from the claim and/or interest of Claimant Katrechia Harris.

This Initial Order entered and effective this 12 day of October, 2012

Mattielyn B. Williams
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State this 12 day of October, 2012

Thomas G. Stovall, Director
Administrative Procedures Division