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February 2013

Department of Safety vs. \$1873.00 in U.S. currency,  
Seized From: Randy M. Baggett, Date of Seizure:  
March 30, 2012, Claimant: Randy M. Baggett, Lien  
Holder: N/A

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

**IN THE MATTER OF:**

**Department of Safety**

**v.**

**\$1873.00 in U.S. currency  
Seized From: Randy M. Baggett  
Date of Seizure: March 30, 2012  
Claimant: Randy M. Baggett  
Lien Holder: N/A**

**DOCKET NO: 19.01-120309J  
D.O.S. Case No. M5755**

**INITIAL ORDER  
AND NOTICE OF DEFAULT**

This matter was heard in Nashville, Tennessee, on February 27, 2013, before Steve R. Darnell, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Attorney Nina Harris represented the Department of Safety. Karl Pulley is Claimant's attorney of record.

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.

Neither claimant Randy Baggett, nor his attorney Karl Pulley, appeared for the hearing. The Department therefore moved for an initial order holding Claimant in **default** and striking his claim. The motion was **granted** based upon the following findings of fact and conclusions of law.

## FINDINGS OF FACT

1. Claimant was sent notice of the hearing by certified mail at his attorney's address of record. A copy of the return receipt shows attorney Karl Pulley signed for the notice on January 8, 2013. This matter has previously been set on September 11, 2012 and January 14, 2013.

2. Claimant failed to appear on the day of the hearing. Nor did his attorney appear on Claimant's behalf.

3. The Department had its witnesses available and was ready to go forward to prove its case.

## CONCLUSIONS OF LAW AND ANALYSIS

1. Department of Safety Rule 1340-2-2-.17(1) provides, in relevant 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 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. Department of Safety Rule 1340-2-2-.17(2) states, in relevant part:

Upon a default by a claimant, a claimant's claim shall be stricken by initial default order.

3. The Department's motion for default being granted, it is therefore **ordered** that Claimant's **claim be stricken**. The claim being stricken, it is as if no claim had ever been filed, which constructively evokes T.C.A. §40-33-206(c). That section states: "If a claim . . . is not filed with the applicable agency within the time specified . . . the seized property shall be forfeited and disposed of as provided by law."

**IT IS THEREFORE ORDERED THAT** the \$1873.00 in U.S. currency is forfeited to the seizing agency.

This Initial Order entered and effective this 14 day of March, 2013

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Steve R. Darnell  
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 14 day of March, 2013



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Thomas G. Stovall, Director  
Administrative Procedures Division