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Law

12-5-2012

DEPARTMENT OF SAFETY vs. \$10,500.00 in
U.S. Currency, Seized from: Albert White, Date of
Seizure: 6/19/11, Claimant: Albert White

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

IN THE MATTER OF:)	
)	
DEPARTMENT OF SAFETY)	
)	
v.)	DOCKET NO. 19.01-119272J
)	DOS Case No. L7049
\$10,500.00 in U.S. Currency)	
Seized from: Albert White)	
Date of Seizure: 6/19/11)	
Claimant: Albert White)	

INITIAL ORDER

A contested administrative hearing was conducted in this matter on December 5, 2012, before Marion P. Wall, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety in Memphis, Tennessee. Mr. Andre Thomas, Staff Attorney for Department of Safety, represented the Department. The Claimant was represented by Mr. Frank Deslauriers. While Claimant was present, the arresting officer did not appear. The subject of this hearing was the proposed forfeiture of \$10,500.00 in U.S. Currency seized from the Claimant on June 19, 2011.

After consideration of the entire record, it is ORDERED that the seized property be returned to the Claimant.

FINDINGS OF FACT

Claimant duly filed a timely request for hearing relating to the seized items. This matter was set for hearing on December 5, 2012. This was the sixth setting of this matter. No officer appeared to testify on the Department's behalf. Claimant moved to dismiss the forfeiture action.

CONCLUSIONS OF LAW

1. The State bears the burden of proof in this matter by a preponderance of the evidence.
2. Having no witness, the State could not meet its burden.
3. It is, therefore, ORDERED that the seized property be returned to the Claimant.

This Initial Order entered and effective this 1 day of April, 2013

Marion P. Wall
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 1 day of April, 2013

Thomas G. Stovall, Director
Administrative Procedures Division