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Cedric Doss vs. Safety

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**BEFORE THE COMMISSIONER OF THE
TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

IN THE MATTER OF:

DEPARTMENT OF SAFETY

V.

**US Currency: \$1,643.00
Seized from: Cedric Doss
Date of Seizure: 04-17-13
Claimant: Cedric Doss**

**DOCKET NO: 19.01-124075J
D.O.S. # N7634**

INITIAL ORDER OF DEFAULT RE PAUPER STATUS

This matter was heard on December 19, 2013 before Leonard Pogue, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety in Nashville, Tennessee. Ms. Karen Litwin, Staff Attorney for the Department of Safety, represented the State. Claimant was not present nor was an attorney present on his behalf.

This hearing was convened to determine whether the Claimant should be allowed to proceed *In Forma Pauperis* without posting the required \$350.00 cost bond on his claim. The matter was heard upon the State's Motion to be granted an Initial Default Order Re Pauper Status 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**. This decision is based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Claimant filed a Petition for Hearing asserting his claim for the seized \$1,643.00 and also signed a pauper's oath, stating that he was unable to bear the \$350.00 cost bond of the proceeding. The State denied Claimant's request to proceed as a pauper.

2. This hearing was set to determine whether the Claimant should be allowed to proceed *In Forma Pauperis* without posting the required \$350.00 cost bond on his claim for recovery of the currency.

3. Claimant did not appear at the hearing. Delivery of the notice of hearing was made, by certified mail, on November 12, 2013.

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 provided notice of the hearing to the Claimant and he 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** regarding his pauper status. It is hereby **ORDERED** that Claimant's request to be allowed to proceed *In Forma Pauperis* is **DENIED**. It is further

ORDERED that Claimant shall have 10 days, from the date of entry of this ORDER, to provide the \$350.00 cost bond.

This Initial Order entered this _____ day of December, 2013.

Leonard Pogue
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this _____ day of December, 2013.

J. Richard Collier, Director
Administrative Procedures Division