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Jessica Hall 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.

**One 2000 Ford Windstar
V.I.N. # 2FMZA5346YBD03189
US Currency:\$1,200.00
Seized from: Kevin Smart
Date of Seizure: 07-11-13
Claimant: Jessica Hall**

**DOCKET NO: 19.01-124076J
D.O.S. # N9950**

INITIAL ORDER OF DEFAULT AND DISMISSAL

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 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 a 2000 Ford Windstar and \$1,000.00 from Kevin Smart by the Metro Nashville Police Department on July 11, 2013.
2. Jessica Hall claimed an interest in the vehicle and currency but did not appear at the hearing. The State provided proof that service of the notice of hearing was attempted at Claimant's address of record on November 9, 2013.
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 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**. It is further **ORDERED** that the subject vehicle and currency be **FORFEITED** to the seizing agency.

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