



University of Tennessee, Knoxville
**Trace: Tennessee Research and Creative
Exchange**

Tennessee Department of State, Opinions from the
Administrative Procedures Division

Law

1-16-2014

Cameron Marcrum vs. safety

Follow this and additional works at: http://trace.tennessee.edu/utk_lawopinions

This Initial Order by the Administrative Judges of the Administrative Procedures Division, Tennessee Department of State, is a public document made available by the College of Law Library, and the Tennessee Department of State, Administrative Procedures Division. For more information about this public document, please contact administrative.procedures@tn.gov

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

IN THE MATTER OF:

DEPARTMENT OF SAFETY

V.

One 2004 BMW 745

V.I.N. # WDBAGN635X4DS55941

Seized from: Cameron Marcum

Date of Seizure: 06-26-13

Claimant: Cameron Marcum

DOCKET NO: 19.01-124263J

D.O.S. # N9618

INITIAL ORDER OF DEFAULT AND DISMISSAL

This matter was heard on January 7, 2014 before Leonard Pogue, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety and Homeland Security in Memphis, Tennessee. Mr. Joe Bartlett, Staff Attorney for the Department of Safety, represented the State. Claimant was not present nor was his attorney present on his 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 2004 BMW 745 from Cameron Marcrum by the West Tennessee Drug Task Force on June 26, 2013.
2. Cameron Marcrum claimed an interest in the vehicle but did not appear at the hearing. The State provided proof that service of the notice of hearing was made at Claimant's attorney's address of record on November 25, 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 she 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 be **FORFEITED** to the seizing agency.

This Initial Order entered this _____ day of January, 2014.

Leonard Pogue
Administrative Judge

Mailed On: 1-16-2014

Filed in the Administrative Procedures Division, Office of the Secretary of State, this
_____ day of January, 2014.

J. Richard Collier, Director
Administrative Procedures Division