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Daniel E. Keenan vs. Safety

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

IN THE MATTER OF:

**TENNESSEE
DEPARTMENT OF SAFETY,**

v.

**One 1995 Honda Accord
VIN: 1HGCD7263SA04273
Seized From: Daniel Evan Keenan
Seizure Date: May 8, 2013
Claimant: Daniel Evan Keenan
Lienholder: N/A**

**DOCKET NO: 19.01-123919J
DOS CASE NO.: N8162**

**INITIAL ORDER
OF DEFAULT AND DISMISSAL**

NOTICE OF DEFAULT AND DISMISSAL

This matter came to be heard on December 10, 2013, in Nashville, Tennessee, before Joyce Grimes Safley, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, to sit for the Commissioner of the Tennessee Department of Safety. Karen Litwin, staff attorney for the Department of Safety, represented the Department as legal counsel. The Claimant was not present nor was he represented by legal counsel.

The subject of this hearing was the proposed forfeiture of the captioned property pursuant to TENN. CODE ANN §§53-11-201, *et seq.*, & 40-33-201, *et seq.*

At the beginning of the hearing, the State made an oral motion pursuant to TENN. CODE ANN. §4-5-309 and DEPARTMENT OF SAFETY RULE 1340-2-2-.17, requesting that the Claimant be held in default. In support of the motion, the State introduced evidence that the notice of the hearing was sent to the Claimant's address of record by certified U.S. Mail. The notice was delivered to the Claimant on November 15, 2013, and duly signed for by the Claimant. Based upon the evidence in the record, it is **CONCLUDED** the Department obtained service on Claimant Daniel Evan Keenan. The State's motion for default is **GRANTED** and the Claimant is found in **DEFAULT**.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Neither the Claimant nor legal counsel on his behalf appeared for the hearing. Claimant is held in default.

2. Rule 1340-2-2-.17(2)(b) provides that, "Upon a default by the claimant, a claimant's claim shall be stricken by initial default order or, if the agency requests, the agency may proceed uncontested." The State elected to have the Claimant's claim stricken without proceeding with an uncontested hearing.

3. Based upon the foregoing, it is hereby **ORDERED** that the claim of Daniel Evan Keenan be **STRICKEN**, the matter **DISMISSED**, and Claimant's interest in the subject property **FORFEITED TO THE SEIZING AGENCY**.

Entered and effective this _____ day of February, 2014.

Joyce Grimes Safley
Administrative Judge

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



J. Richard Collier, Director
Administrative Procedures Division