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Charles Jackson 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 & Homeland
Security**

V.

**One 1994 Jeep Cherokee
V.I.N. # 1J4GZ58S3RC308244
Seized from: Terri L. Cambron
Date of Seizure: September 24, 2011
Lienholder: Charles Jackson**

**DOCKET NO: 19.01-124448J
DOS #: M0251**

INITIAL ORDER OF DEFAULT AND DISMISSAL

This matter was heard on January 22, 2014, before Leonard Pogue, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety in Knoxville, Tennessee. Ms. Nina Harris, Staff Attorney for the Department of Safety, represented the State. The lienholder was not present nor was an attorney present on its behalf.

The subject of this hearing was the proposed forfeiture of the subject vehicle for the failure of the Lienholder to take custody of the vehicle. The matter was heard upon the State's Motion to be granted an Initial Default Order due to the Lienholder'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 vehicle 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 vehicle was seized by the Clinton Police Department on September 24, 2011. On December 1, 2011, an Order of Delegation and Forfeiture Subject to Lien was entered which provided that the vehicle be forfeited to the seizing agency subject to the lien interest of the Lienholder. The Lienholder failed to take custody of the vehicle and the Department set the instant proceeding to give the Lienholder an opportunity to show cause why its interest should not be forfeited.

2. The Lienholder did not appear at the hearing. Notice of the hearing was delivered to the Lienholder's address of record, by certified mail, on December 21, 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. The State having established that the Lienholder received notice of the hearing and 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 Lienholder 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 February, 2014.

Leonard Pogue
Administrative Judge

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

J. Richard Collier, Director
Administrative Procedures Division