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2-3-2014

## Frank, Antquinn & Givens, Ashley 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 & HOMELAND SECURITY )  
)  
v. )  
)  
Sixteen Thousand Six Hundred and )  
Twenty-Five Dollars (\$16,625.00) in )  
U.S. Currency )  
Seized from: Antquinn Frank )  
Date of Seizure: August 16, 2013 )  
Claimants: Antquinn Frank and )  
Ashley Givens )  
Lienholder: N/A )  
)

DOCKET NO. 19.01-124485J  
[D.O.S. CASE NO. P 1269]

**NOTICE OF DEFAULT;**

**INITIAL ORDER**

The hearing in this matter was held on January 27, 2014 in Nashville, Tennessee, before Mattielyn B. Williams, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, sitting for the Commissioner of the Tennessee Department of Safety and Homeland Security. Ms. Karen Litwin, Staff Attorney, Tennessee Department of Safety & Homeland Security, represented the State. Claimant Antquinn Frank is represented by Attorney Sunny Eaton. Claimant Ashley Givens is represented by Attorney Lee Sprouse. Neither Claimant nor either attorney appeared for the hearing.

Claimants had not moved that the hearing be continued, although they had done so in the past.

The subject of the hearing was the proposed forfeiture of the subject U.S. Currency, seized for its use in facilitating, for having been obtained in an exchange, as constituting proceeds or as otherwise involved in an exchange, in violation of the Tennessee Drug Control Act, thus making the property subject to seizure, pursuant to T.C.A. §53-11-451.

The State moved that both Claimants be held in default. Exhibit 1 showed that the U.S. Postal Service delivered Claimants' copy of the Notice of Hearing on December 21, 2013.

It was **DETERMINED** that the State made a reasonable and adequate effort to provide Claimants notice of the date, time, and location of the hearing. The State's Motion for Default was **GRANTED**.

**NOTICE OF DEFAULT**

NOTICE IS HEREBY GIVEN THE CLAIMANTS THAT THE CLAIMANTS HAVE BEEN HELD IN DEFAULT FOR THE CLAIMANTS' FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. CLAIMANTS HAVE FIFTEEN (15) DAYS FROM THE EFFECTIVE DATE OF THIS ORDER TO REQUEST THAT THIS FINDING OF DEFAULT BE SET ASIDE. THIS REQUEST MUST BE RECEIVED IN THE OFFICE OF THE SECRETARY OF STATE, ADMINISTRATIVE PROCEDURES DIVISION, SUITE 800, WILLIAM R. SNODGRASS BUILDING, 312 ROSA L. PARKS AVENUE,

NASHVILLE, TENNESSEE 37243, WITHIN THAT 15-DAY PERIOD. THE REQUEST TO HAVE THE FINDING OF DEFAULT SET ASIDE SHOULD INCLUDE THE REASONS TO JUSTIFY THE CLAIMANTS' FAILURE TO ATTEND. IF SUFFICIENT REASONS ARE GIVEN, THE ORDER MAY BE SET ASIDE AND A NEW HEARING SCHEDULED. IF THE CLAIMANTS DO NOT REQUEST THE DEFAULT TO BE SET ASIDE OR OTHERWISE APPEAL THE ACCOMPANYING INITIAL ORDER, THEN THE INITIAL ORDER WILL BECOME A FINAL ORDER SUBJECT TO COURT REVIEW. ANY QUESTIONS REGARDING THIS NOTICE OF DEFAULT OR THE STEPS NECESSARY TO HAVE IT SET ASIDE SHOULD BE SUBMITTED TO THE ADMINISTRATIVE JUDGE SIGNING THIS ORDER BY LETTER OR BY TELEPHONING (615) 741-4469.

Claimants may move to have the Default Set Aside within fifteen (15) days, for good cause shown.

**ORDER**

The State moved that the claim of Antquinn Frank be struck for failure to appear. The State's Motion to Strike Claimant Frank's claim was **GRANTED**.

The State also moved that Claimant Frank's interest, if any, in the subject currency be struck. The State's Motion to Strike Claimant Frank's interest was **GRANTED**.

The State moved that the claim of Ashley Givens be struck for failure to appear. The State's Motion to Strike Claimant Givens' claim was **GRANTED**.

The State also moved that Claimant Givens' interest, if any, in the subject currency be struck. The State's Motion to Strike Claimant Givens' interest was **GRANTED**.

The State advised that there were no other claims pending for the return of the seized U.S. Currency.

Therefore, it is hereby **ORDERED** that the seized \$16,625.00 is hereby **FORFEITED** to the seizing agency, for disposition as provided by law, free from the claim and/or interest of Claimants Antquinn Frank and Ashley Givens.

This Initial Order entered and effective this \_\_\_\_ day of January/February, 2014.

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Mattielyn B. Williams  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State this \_\_\_\_ day of January/February, 2014.

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J. Richard Collier, Director  
Administrative Procedures Division