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7-22-2014

## DT Acceptance CRP 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 2007 TOYOTA YARIS** )  
**VIN:JTDBT923871159347** )  
**Seized From: CHASTITY MALICOAT** )  
**Seizure Date: 10/31/13** )  
**Claimant: DT ACCEPTANCE CORP.** )

**DOCKET NO. 19.05-126917J**  
**[DOS NO. P3892]**

**INITIAL ORDER OF DEFAULT**

This matter came to be heard on July 17, 2014, before Thomas G. Stovall, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety and Homeland Security in Knoxville, Tennessee. Mr. Robert Broome, Staff Attorney for the Department of Safety and Homeland Security, represented the Department. The Claimant, DT Acceptance Corporation, was not present nor was an attorney present on its behalf.

The subject of this hearing was the proposed forfeiture of the subject property for the failure of the Claimant to take custody of the vehicle. The matter was heard upon the Department’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 Department’s Motion is proper and should be **GRANTED**. It is further **ORDERED** that any interest the Claimant has in the subject property should be **FORFEITED** and the property **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 Pigeon Forge Police Department on October 31, 2013. On April 8, 2014, an Order of Delegation and Forfeiture Subject to Lien was

entered which required the Claimant to retrieve the vehicle within thirty (30) days. The Claimant has failed to retrieve the vehicle and the Department set the instant proceeding to provide the Claimant an opportunity to show cause why its interest should not be forfeited.

2. The Claimant did not appear at the hearing. Notice of the hearing was delivered to the Claimant by certified mail on June 17, 2014.

**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. As the Department provided notice of the hearing to the Claimant, and the Claimant failed to appear, it is determined that the Department has complied with the requirements of the above referenced Rule.

3. Accordingly, it is determined that the Department's motion should be **GRANTED** and the Claimant be held in **DEFAULT**. It is further **ORDERED** that any interest the Claimant may have in the vehicle be **FORFEITED** and the subject property be **FORFEITED** to the seizing agency.

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

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Thomas G. Stovall  
Administrative Judge

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

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J. Richard Collier Director  
Administrative Procedures Division