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December 2014

James T. Price 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 2002 Buick Lesaber
VIN: 1G4HP54K624171088
Seized From: James T. Price
Seizure Date: 3/6/14
Claimant(s): James T. Price
Lienholder: None Filed**

**DOCKET NO: 19.05-128626J
DOS CASE NO.: P7098
P7099**

**INITIAL ORDER
OF DEFAULT AND DISMISSAL**

NOTICE OF DEFAULT AND DISMISSAL

This matter came to be heard on November 5, 2014, in Knoxville, 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. Patrick Rice, staff attorney for the Department of Safety, represented the Department as legal counsel. The Claimant was not present.

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 Claimants be held in default. In support of the motion, the State introduced evidence that the notice of the hearing was sent to the Claimants' respective addresses of record by certified mail. Certified mail to the address of James T. Price was received and signed for on October 23, 2014. Based upon the evidence in the record, it is **CONCLUDED** the Department obtained service on Claimant James T. Price. 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 the Claimant, James T. Price, be **STRICKEN**, the matter **DISMISSED**, and Claimants' interest in the subject property **FORFEITED** to the seizing agency.

This Order entered and effective this ____ day of December, 2014.

Joyce Grimes Safley
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this the _____ day of _____ 2015.

A handwritten signature in black ink that reads "J. Richard Collier". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

**J. RICHARD COLLIER, DIRECTOR
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE**