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December 2014

## Amber Saunders 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 1984 Chevy LGC  
VIN: 1GCEC14H7EF335912  
Four Hundred Fifty-Two Dollars  
(\$452) in U.S. Currency  
Seized From: James J. Pugh  
Seizure Date: 12/13/13  
Claimant(s): Kathy Bilyeu  
Lienholder: None Filed**

**DOCKET NO: 19.01-125844J  
DOS CASE NO.: P5346**

**INITIAL ORDER  
OF DEFAULT AND DISMISSAL**

**NOTICE OF DEFAULT AND DISMISSAL**

This matter came to be heard on November 6, 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 Kathy Bilyeu was delivered with an address written by the recipient, but unsigned, on October 20, 2014. Based upon the evidence in the record, it is **CONCLUDED** the Department attempted service on Claimant Kathy Bilyeu in good faith. 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 her 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, Kathy Bilyeu, 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.

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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**