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February 2015

Jay A. Hathaway 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.)
)
One 2002 Honda Accord)
VIN No.:1HCCG22502A011821)
Seized from: Jay A. Hathaway)
Date of Seizure: May 28, 2014)
Claimant: Jay A. Hathaway)
Lienholder: N/A)
)

DOCKET NO. 19.01-126779J
[D.O.S. CASE NO. P 9189]

NOTICE OF DEFAULT;

INITIAL ORDER

The hearing in this matter was held on December 16, 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 III, Tennessee Department of Safety & Homeland Security, represented the State. Claimant Jay A. Hathaway has been represented by Attorney John D. Drake. Neither Attorney Drake nor Claimant Hathaway appeared for the hearing.

Claimant had not moved that the hearing be continued.

The subject of the hearing was the proposed forfeiture of the subject vehicle, seized for its alleged use in transporting, 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 the Claimant be held in default. The USPS tracking showed that the Claimant's copy of the Notice of Hearing was delivered to Attorney Drake's office on November 18, 2014.

It was **DETERMINED** that the State made a reasonable and adequate effort to provide Claimant 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 CLAIMANT THAT THE CLAIMANT HAS BEEN HELD IN DEFAULT FOR THE CLAIMANT'S FAILURE TO APPEAR AT A HEARING ON THE MERITS AFTER RECEIVING ADEQUATE NOTICE. T.C.A. §4-5-309. CLAIMANT HAS 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 CLAIMANT'S FAILURE TO ATTEND. IF SUFFICIENT REASONS ARE GIVEN, THE ORDER MAY BE SET ASIDE AND A NEW HEARING SCHEDULED. IF THE CLAIMANT DOES 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.

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

ORDER

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

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

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

Therefore, it is hereby **ORDERED** that the seized vehicle is hereby **FORFEITED** to the seizing agency, for disposition as provided by law, free from the claim and/or interest of Claimant Jay A. Hathaway.

This Initial Order entered and effective this _____ day of January, 2015.

Mattielyn B. Williams
Administrative Judge

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

J. Richard Collier, Director
Administrative Procedures Division