

RESOLUTION 24-133

A RESOLUTION TO AUTHORIZE THE DISPOSAL OF CITY VEHICLES AND FORFEITED VEHICLES AWARDED TO THE POLICE DEPARTMENT

WHEREAS, the Spring Hill Police Department desires to sell five (5) seized vehicles that were awarded from the State of Tennessee through the Appeals Divisions of the Tennessee Department of Safety and three (3) existing fleet vehicles with mechanical issues; and

WHEREAS, the Final Order of Forfeiture on all vehicles declare, it is therefore, Ordered that said Property be Forfeited to the Seizing Agency pursuant to T.C.A. 40-33-206 (c) for disposition by law; and

WHEREAS, the City of Spring Hill Board of Mayor and Alderman authorized the Spring Hill Police Department to purchase police vehicles in years past; and

WHEREAS, the vehicles listed below are older model vehicles with high mileage and require extensive mechanical work; and

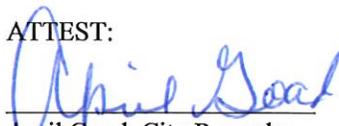
WHEREAS, the following vehicles are recommended to be sold at auction (Gov Deals).

Year	Make	VIN	Condition/information
2007	Mercury Mariner	4194	Drug Seizure
1998	GMC Sierra	5611	Drug Seizure/ 22 nd JDTF
2014	Chevrolet Corvette	1264	Drug Seizure
2006	Chevrolet Impala	4989	Drug Seizure
2008	Nissan Sentra	8626	Drug Seizure
2011	Chevrolet Tahoe	9224	mechanical
2015	Chevrolet Caprice	3279	mechanical
2016	Chevrolet Caprice	9818	mechanical

NOW, THEREFORE BE IT RESOLVED, that the City of Spring Hill Board of Mayor and Alderman authorizes the police department to dispose of said vehicles by selling at auction, (Gov Deals) or if the vehicle does not sell, it will be taken to a salvage yard to be sold as scrap metal. Funds from the sale of seized vehicles will be deposited into the Police Departments Drug Fund and City General Fund.

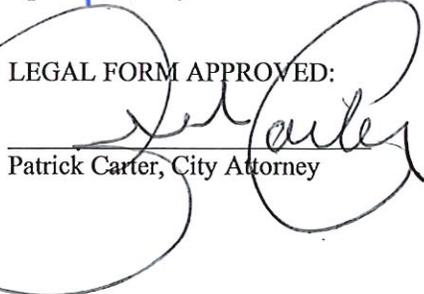
Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 3rd day of June, 2024

ATTEST:


April Goad, City Recorder


Jim Hagaman, Mayor

LEGAL FORM APPROVED:


Patrick Carter, City Attorney



Legal Division / Office of General Counsel

OCTOBER 23, 2023

SPRING HILL POLICE DEPT
THOMAS GOETZ
199 TOWN CNTR PKWY-PO BOX 789
SPRING HILL, TN 37174-0789

RE: ORDER FOR TDOHS No.: 02640-N-2023-M

Enclosed is an Order of Administrative Forfeiture (No Petition). If you have any questions or concerns, please do not hesitate to contact the Legal Division Middle - Tel: 615-251-5296.

Legal Division

Enclosures

CC: File

CASE NUMBER: 02640-N-2023-M
S.A. NUMBER: TN0600300
VEHICLE: 2008 NISSAN SENTRA
VIN: 3N1AB61E78L718626
PROPERTY: \$671 IN US CURRENCY
SEIZED FROM: HAYDEN HUMPHREY
SEIZED BY: SPRING HILL POLICE DEPT
SEIZED ON: JULY 2, 2023

ORDER OF ADMINISTRATIVE FORFEITURE
(NO PETITION)

This matter is before the Appeals Division, sitting at Nashville, Tennessee, pursuant to the Order of Delegation issued January 22, 2019 and Rule 1340-02-02-.21(4). Based upon the agency record in this case, the CAPTIONED PROPERTY was seized pursuant to T.C.A. §53-11-201 and §40-33-201, et seq.; a judicial forfeiture warrant was obtained as required by T.C.A. §40-33-204; a notice of seizure and issuance of the warrant was given or reasonably attempted as required by T.C.A. §§40-33-203 and 204; and NO PETITION has been filed by any person asserting a claim to, or proof of a security interest in, the CAPTIONED PROPERTY within thirty (30) days of such notice(s) as required by T.C.A. §§40-33-205 and 206, et seq. Therefore, it is hereby

ORDERED that said CAPTIONED PROPERTY be FORFEITED to the SEIZING AGENCY pursuant to T.C.A. §40-33-206(c) for disposition as provided by law.

23 October 2023
Entry Date

Dustin
Brandon

Digitally signed by Dustin Brandon
DN: cn=Dustin Brandon, o, ou,
email=Dudette.Brannon@tn.gov,
c=US
Date: 2023.10.20 06:36:02 -0500'

Dustin Brandon
Appeals Division
Commissioner Designee
Tennessee Department of Safety
1150 Foster Avenue
Nashville, TN 37243-4400

DELEGATION ORDER ON FILE IN APPEALS DIVISION AND IS AVAILABLE ON REQUEST.

Case Number: 02640-N-2023-M

Notice of Legal Rights Regarding This Administrative Order of Forfeiture

Within fifteen (15) days of the Entry Date of this Order, you may file a written request for a hearing to contest this Order, stating legal and factual reasons for your position. Such request must be filed with the Appeals Division at:

Tennessee Department of Safety and Homeland Security, Appeals Division
1150 Foster Avenue
Nashville, TN 37243

The request must be received at the Department of Safety & Homeland Security within this fifteen (15) day period. Date of postmark will not be accepted.

Within thirty (30) days of receipt of your request, the Department will schedule a hearing date on your request. This hearing will be held before an Administrative Judge from the Secretary of State's office. You will receive notification of the hearing date and location from the Department of Safety and Homeland Security.

Certificate of Service

Comes now the Legal Division of the Department of Safety, by its undersigned counsel, and certifies that a true and correct copy of the above notice of legal rights and the Order of Administrative Forfeiture entered by the Appeals Division in the above captioned case has been mailed, first class United States postage prepaid, to all known interested parties

on this the 23rd day of October, 2023

Bl

TDOSHS Staff

SPRING HILL POLICE DEPT
THOMAS GOETZ
199 TOWN CNTR PKWY-PO BOX 789
SPRING HILL, TN 37174-0789

HAYDEN HUMPHREY
6953 CROSS KEYS RD
COLLEGE GROVE, TN 37046



2022001815

Legal Division / Office of General Counsel

JANUARY 30, 2023

SPRING HILL POLICE DEPT
THOMAS GOETZ
199 TOWN CNTR PKWY-PO BOX 789
SPRING HILL, TN 37174-0789

RE: ORDER FOR TDOHS No.: 04482-N-2022-M

Enclosed is an Order of Administrative Forfeiture (No Petition). If you have any questions or concerns, please do not hesitate to contact the Legal Division Middle - Tel: 615-251-5296.

Legal Division

Enclosures

CC: File

CASE NUMBER: 04482-N-2022-M
S.A. NUMBER: TN0600300
VEHICLE: 2006 CHEVROLET IMPALA
VIN: 2G1WB58K569334989
PROPERTY:
SEIZED FROM: COURNEY CYPERT
SEIZED BY: SPRING HILL POLICE DEPT
SEIZED ON: NOVEMBER 10, 2022

ORDER OF ADMINISTRATIVE FORFEITURE
(NO PETITION)

This matter is before the Appeals Division, sitting at Nashville, Tennessee, pursuant to the Order of Delegation issued January 22, 2019 and Rule 1340-02-02-.21(4). Based upon the agency record in this case, the CAPTIONED PROPERTY was seized pursuant to T.C.A. §53-11-201 and §40-33-201, et seq.; a judicial forfeiture warrant was obtained as required by T.C.A. §40-33-204; a notice of seizure and issuance of the warrant was given or reasonably attempted as required by T.C.A. §§40-33-203 and 204; and NO PETITION has been filed by any person asserting a claim to, or proof of a security interest in, the CAPTIONED PROPERTY within thirty (30) days of such notice(s) as required by T.C.A. §§40-33-205 and 206, et seq. Therefore, it is hereby

ORDERED that said CAPTIONED PROPERTY be FORFEITED to the SEIZING AGENCY pursuant to T.C.A. §40-33-206(c) for disposition as provided by law.

30 January 2023
Entry Date

Dustin

Brandon/ C.B

Dustin Brandon
Appeals Division
Commissioner Designee
Tennessee Department of Safety
1150 Foster Avenue
Nashville, TN 37243-4400

Digitally signed by Dustin
Brandon/ CB
DN: cn=Dustin Brandon/ CB, o, ou,
email=Dustin.Brandon@tn.gov,
c=US
Date: 2023.01.26 15:36:32 -0600

DELEGATION ORDER ON FILE IN APPEALS DIVISION AND IS AVAILABLE ON REQUEST.

Case Number: 04482-N-2022-M

Notice of Legal Rights Regarding This Administrative Order of Forfeiture

Within fifteen (15) days of the Entry Date of this Order, you may file a written request for a hearing to contest this Order, stating legal and factual reasons for your position. Such request must be filed with the Appeals Division at:

Tennessee Department of Safety and Homeland Security, Appeals Division
1150 Foster Avenue
Nashville, TN 37243

The request must be received at the Department of Safety & Homeland Security within this fifteen (15) day period. Date of postmark will not be accepted.

Within thirty (30) days of receipt of your request, the Department will schedule a hearing date on your request. This hearing will be held before an Administrative Judge from the Secretary of State's office. You will receive notification of the hearing date and location from the Department of Safety and Homeland Security.

Certificate of Service

Comes now the Legal Division of the Department of Safety, by its undersigned counsel, and certifies that a true and correct copy of the above notice of legal rights and the Order of Administrative Forfeiture entered by the Appeals Division in the above captioned case has been mailed, first class United States postage prepaid, to all known interested parties

on this the 30th day of January, 2023



TDOSHS Staff

SPRING HILL POLICE DEPT
THOMAS GOETZ
199 TOWN CNTR PKWY-PO BOX 789
SPRING HILL, TN 37174-0789

COURNEY CYPERT
4020 KRISTEN ST
SPRING HILL, TN 37174

COURTNEY CYPERT
3665 GREENS MILLS RD
SPRING HILL, TN 37174



Legal Division / Office of General Counsel

SEPTEMBER 11, 2023

SPRING HILL POLICE DEPT
THOMAS GOETZ
199 TOWN CNTR PKWY-PO BOX 789
SPRING HILL, TN 37174-0789

RE: ORDER FOR TDOHS No.: 02072-N-2023-M

Enclosed is an Order of Administrative Forfeiture (No Petition). If you have any questions or concerns, please do not hesitate to contact the Legal Division Middle - Tel: 615-251-5296.

Legal Division

Enclosures
CC: File

CASE NUMBER: 02072-N-2023-M
S.A. NUMBER: TN0600300
VEHICLE: 2014 CHEV CORVETTE
VIN: 1G1YM2D70E5131264
PROPERTY: WHITNEY DE LA CRUZ
SEIZED FROM: SPRING HILL POLICE DEPT
SEIZED BY: MAY 18, 2023
SEIZED ON:

ORDER OF ADMINISTRATIVE FORFEITURE
(NO PETITION)

This matter is before the Appeals Division, sitting at Nashville, Tennessee, pursuant to the Order of Delegation issued January 22, 2019 and Rule 1340-02-02-.21(4). Based upon the agency record in this case, the CAPTIONED PROPERTY was seized pursuant to T.C.A. §53-11-201 and §40-33-201, et seq.; a judicial forfeiture warrant was obtained as required by T.C.A. §40-33-204; a notice of seizure and issuance of the warrant was given or reasonably attempted as required by T.C.A. §§40-33-203 and 204; and NO PETITION has been filed by any person asserting a claim to, or proof of a security interest in, the CAPTIONED PROPERTY within thirty (30) days of such notice(s) as required by T.C.A. §§40-33-205 and 206, et seq. Therefore, it is hereby

ORDERED that said CAPTIONED PROPERTY be FORFEITED to the SEIZING AGENCY pursuant to T.C.A. §40-33-206(c) for disposition as provided by law.

11 September 2023
Entry Date

Dustin
Brandon
Dustin Brandon
Appeals Division
Commissioner Designee
Tennessee Department of Safety
1150 Foster Avenue
Nashville, TN 37243-4400

Digitally signed by Dustin Brandon
DN: cn=Dustin Brandon, o=tn,
email=dustettebron@tn.gov,
c=US
Date: 2023.09.06 13:03:39 -0500

DELEGATION ORDER ON FILE IN APPEALS DIVISION AND IS AVAILABLE ON REQUEST.

Case Number: 02072-N-2023-M

Notice of Legal Rights Regarding This Administrative Order of Forfeiture

Within fifteen (15) days of the Entry Date of this Order, you may file a written request for a hearing to contest this Order, stating legal and factual reasons for your position. Such request must be filed with the Appeals Division at:

Tennessee Department of Safety and Homeland Security, Appeals Division
1150 Foster Avenue
Nashville, TN 37243

The request must be received at the Department of Safety & Homeland Security within this fifteen (15) day period. Date of postmark will not be accepted.

Within thirty (30) days of receipt of your request, the Department will schedule a hearing date on your request. This hearing will be held before an Administrative Judge from the Secretary of State's office. You will receive notification of the hearing date and location from the Department of Safety and Homeland Security.

Certificate of Service

Comes now the Legal Division of the Department of Safety, by its undersigned counsel, and certifies that a true and correct copy of the above notice of legal rights and the Order of Administrative Forfeiture entered by the Appeals Division in the above captioned case has been mailed, first class United States postage prepaid, to all known interested parties

on this the 11th day of September, 2023


TDOSHS Staff

SPRING HILL POLICE DEPT
THOMAS GOETZ
199 TOWN CNTR PKWY-PO BOX 789
SPRING HILL, TN 37174-0789

WHITNEY DE LA CRUZ
200 HARRIS PATTON CT
FRANKLIN, TN 37064

LUIS DE LA CRUZ
200 HARRIS PATTON CT
FRANKLIN, TN 37064

CUMBERLAND AUTO SALES AND BODY SHOP
5483 MURFREESBORO RD
LA VERGNE, TN 37086



COPY

Legal Division / Office of General Counsel

DECEMBER 21, 2022

22ND JUDICIAL DISTRICT DRUG TASK FORCE
CHRIS ANDERSON
P O BOX 1619
COLUMBIA, TN 38402

RE: ORDER FOR TDOHS No.: 01757-N-2022-M - P1

Enclosed is a Order of Forfeiture (Administrative Forfeiture). If you have any questions or concerns, please do not hesitate to contact the Legal Division 615-251-5296.

Legal Division

Enclosures

CC: File

CASE NUMBER 01757-N-2022-M
ORDER ID: 01757-N-2022-M-002
S.A. NUMBER: TN0500800
CURRENCY: \$1379.00 IN US CURRENCY
SEIZED FROM: ENOC SILVA
SEIZED BY: 022-22ND JUDICIAL DISTRICT DRUG TASK FORCE
SEIZED ON: 13 APRIL 2022

ORDER OF ADMINISTRATIVE FORFEITURE

This matter is before the Appeals Division, sitting at Nashville, Tennessee, pursuant to the Order of Delegation issued January 22, 2019 and Rule 1340-02-02-.21(4). Based upon the agency record in this case, the CAPTIONED PROPERTY was seized pursuant to T.C.A. §53-11-201, et seq. and T.C.A. §40-33-201, et seq.; a judicial forfeiture warrant was obtained as required by T.C.A. §40-33-204; a notice of seizure and issuance of the warrant was given or reasonably attempted as required by T.C.A. §§40-33-203 and 204; and NO PETITION has been filed by any person asserting a claim to, or proof of a security interest in, the CAPTIONED PROPERTY within thirty (30) days of such notice(s) as required by T.C.A. §§40-33-205 and 206, et seq. Therefore, it is hereby

ORDERED that the CAPTIONED PROPERTY be **FORFEITED** to the **SEIZING AGENCY** pursuant to T.C.A. §40-33-206(c), for disposition as provided by law.

It is so ORDERED and EFFECTIVE

7 DECEMBER 2022

Entry Date

Dustin
Brandon/ C.B

Digitally signed by Dustin Brandon/
C.B
DN: cn=Dustin Brandon/ C.B, o, ou,
email=Dustin.Brandon@tn.gov, c=US
Date: 2022.12.05 12:21:58 -06'00'

Dustin Brandon, Commissioner's Designee
Appeals Division
Tennessee Department of Safety
1150 Foster Avenue
Nashville, Tennessee 37243

Please see the attached sheet for notice of additional legal rights regarding this Final order. If you **DO NOT RECEIVE** such a notice with this order, it is **YOUR RESPONSIBILITY** to contact the Legal Division of the Department of Safety and request a copy of the Notice.

DELEGATION ORDER ON FILE IN APPEALS DIVISION AND IS AVAILABLE ON REQUEST.

Case Number: 01757-N-2022-M

Notice of Legal Rights Regarding This Administrative Order of Forfeiture

Within fifteen (15) days of the Entry Date of this Order, you may file a written request for a hearing to contest this Order, stating legal and factual reasons for your position. Such request must be filed with the Appeals Division at:

Tennessee Department of Safety and Homeland Security, Appeals Division
1150 Foster Avenue
Nashville, TN 37243

The request must be received at the Department of Safety & Homeland Security within this fifteen (15) day period. **Date of postmark will not be accepted.**

Within thirty (30) days of receipt of your request, the Department will schedule a hearing date on your request. This hearing will be held before an Administrative Judge from the Secretary of State's office. You will receive notification of the hearing date and location from the Department of Safety and Homeland Security.

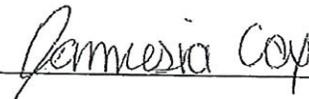
Certificate of Service

Comes now the Legal Division of the Department of Safety, by its undersigned counsel, and certifies that a true and correct copy of the above notice of legal rights and the Order of Forfeiture entered by the Appeals Division in the above captioned case has been mailed, first class United States postage prepaid, to

22ND JUDICIAL DISTRICT DRUG TASK FORCE
CHRIS ANDERSON
P O BOX 1619
COLUMBIA, TN 38402

ENOC SILVA
1347 CHIPPENDALE CIRCLE
COLUMBIA, TN 38401

on DEC 05 2022;



Staff
Tennessee Department of Safety
Legal Division Middle
1350 Foster Avenue
Nashville, TN 37243
(615) 251-5296



COPY

State of Tennessee
Department of State
Administrative Procedures Division
312 Rosa L. Parks Avenue
8th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243-1102
Phone: (615) 741-7008/Fax: (615) 741-4472

December 16, 2022

Karen Litwin, Esq.
Tennessee Dept. of Safety and Homeland Security
McCord Hall, Room 108
1150 Foster Avenue
Nashville, TN 37243

Enoc Silva
1347 Chippendale Circle
Apartment B
Columbia, TN 38401

22nd Judicial District Drug Task Force
P.O. Box 1619
Columbia, TN 38402

By Pass Auto Sales, LLC
225 E.J. Campbell Boulevard
Columbia, TN 38401

**RE: TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY V.
ENOC SILVA, APD Case No. 19.01-222187J**

Enclosed is a/an *FO OF DEFAULT AND DISMISSAL* rendered in this case.

Administrative Procedures Division
Tennessee Department of State

Enclosure(s)

BEFORE THE COMMISSIONER OF THE TENNESSEE DEPARTMENT OF
SAFETY AND HOMELAND SECURITY

IN THE MATTER OF:

TENNESSEE DEPARTMENT OF SAFETY
AND HOMELAND SECURITY,
Petitioner,

v.

1998 GMC SIERRA
VIN: 1GTEC19R9WR505611
SEIZED FROM: ENOC SILVA
DATE OF SEIZURE: APRIL 13, 2022
CLAIMANT: ENOC SILVA
SEIZING AGENCY: 22ND JUDICIAL
DISTRICT DRUG TASK FORCE

01757-N-2022-M
2012 MERCEDEZ E 35
VIN: WDDHG5KB4CA612896
SEIZED FROM: ENOC SILVA
DATE OF SEIZURE: APRIL 13, 2022
CLAIMANT: ENOC SILVA
LIENHOLDER: BY PASS AUTO SALES, LLC
SEIZING AGENCY: 22ND JUDICIAL
DISTRICT DRUG TASK FORCE

APD Case Number:
19.01-222187J

TDOSHS Case Number:
01756-N-2022-M

FINAL ORDER OF DEFAULT AND DISMISSAL

This matter was heard by WebEx video conference on November 16, 2022, before Mark Garland, Administrative Judge, assigned by the Tennessee Secretary of State to sit for the Commissioner of the Tennessee Department of Safety and Homeland Security (the Department). Ms. Karen Litwin, Staff Attorney, represented the Department. Claimant, Mr. Enoc Silva, was not present nor was an attorney present on his behalf.

The subject of this hearing was the proposed forfeiture of a 1998 GMC Sierra and a 2012 Mercedes E35. Upon Claimant's failure to appear at the hearing, counsel for the Department moved for an order finding Claimant to be in default, pursuant to TENN. CODE ANN. § 4-5-309.

After consideration of the record, it is determined that the Department's motion is proper and should be **GRANTED**. It is further **ORDERED** that the subject vehicles should be **FORFEITED** to the seizing agency, the 22nd Judicial District Drug Task Force, **SUBJECT TO** the lien of By Pass Auto Sales, LLC. This decision is based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The subject of this hearing was the seizure of a 1998 GMC Sierra and a 2012 Mercedes E35 by the 22nd Judicial District Drug Task Force on April 13, 2022, in Maury County, Tennessee.

2. Following issuance of a forfeiture warrant, Claimant filed a Petition for Hearing with the Department on May 24, 2022.

3. The case was first set to be heard on July 13, 2022, and the Department sent a Notice of Hearing to Claimant at his address of record. Claimant appeared and was granted a continuance to seek legal counsel and resolve a related criminal case.

4. On July 22, 2022, the Administrative Procedures Division (APD) issued an Order of Continuance resetting the case for September 13, 2022. Claimant appeared for this hearing, announced he had retained counsel and asked for a continuance so that his attorney could become familiar with the case. Claimant's continuance request was granted.

5. On September 28, 2022, APD issued an Order of Continuance resetting the case for November 16, 2022. This order was sent to Claimant's address of record via first class mail and was not returned to sender.

6. Claimant did not appear on November 16, 2022, no attorney appeared on his behalf, and no continuance had been requested or granted. Nor did any attorney file a Notice of Appearance in this case or contact the Department.

7. Prior to each setting of this case, the Department provided Claimant with the information necessary to access the WebEx hearing platform.

8. By Pass Auto Sales, LLC, is a valid lienholder as to the 2012 Mercedes E35.

CONCLUSIONS OF LAW and ANALYSIS

1. TENN. COMP. R. & REG. 1340-02-02-.11(2) (2015), RULES OF PROCEDURE FOR ASSET FORFEITURE HEARINGS, provides:

In serving a "Notice of Hearing," the Legal Division shall rely upon the addresses of record as given by a claimant or by claimant's counsel. Proof of service per Rule 1340-02-02-.03(4) to the addresses of record shall establish a rebuttable presumption that claimant or claimant's counsel received notice of the hearing date.

2. An order holding an absent party in default at the second setting of a forfeiture hearing is also authorized by TENN. COMP. R. & REG. 1340-02-02-.17(1)(a)-(e), (h) (2015):

(a) The failure of a party to attend or to participate in a prehearing conference, a party's non-attendance at a second setting of a hearing on the merits in a case or a party's non-attendance at another stage of contested case proceedings after notice thereof are each causes for holding such party in default pursuant to T.C.A. §4-5-309.

(b) The failure of a party to comply with any lawful order of the administrative judge that is necessary to maintain the orderly conduct of a hearing may be deemed a failure to participate in a stage of a contested case and be cause for a holding of default.

(c) In any situation set out in subparagraphs (a) and (b) of this Rule, a motion may be made to hold the absent party in default and to enter an initial default order or to continue on an uncontested basis.

(d) No default shall be entered against a claimant for failure to attend except upon proof, that the Legal Division has given notice of the hearing per Rule 1340-02-02-.06(2)(e).

(e) Upon default by a party, an administrative judge may enter either an initial default order or an order for an uncontested proceeding. An order under this part must be in writing, with reasons given and appeal rights stated. Uncontested proceedings may go forward at the time of default. These orders must subsequently be filed with the Legal Division.

(h) A default shall be deemed effective as of the date and time that the party failed to appear after having been properly noticed to the hearing.

3. TENN. COMP. R. & REG. 1340-02-02-.17(2)(b) states, in relevant part:

Upon a default by a claimant, a claimant's claim shall be stricken by initial default order or, if the agency requests, the agency may proceed uncontested.¹

4. In accordance with the law, as set forth above, it is determined that the Department's motion is well-taken and it is hereby **GRANTED**. Claimant appeared for the first two settings of this case; therefore, he clearly received the Notice of Hearing and other correspondence related to the case. The Order of Continuance notifying Claimant of the November 16, 2022, hearing was sent to Claimant at his address of record and was not returned to sender. Similarly, the Department sent Claimant the information necessary to access the WebEx hearing platform prior to the hearing date. Despite these efforts, Claimant did not appear for the November 16, 2022, hearing, and is hereby found to be in default for failure to appear.

5. Based upon the foregoing, it is hereby **ORDERED** that Claimant's claim be **STRICKEN**, the matter **DISMISSED**, and Claimant's interest in the 1998 GMC Sierra is **FORFEITED** to the seizing agency, the 22nd Judicial District Drug Task Force. It is **FURTHER ORDERED** that Claimant's interest in the 2012 Mercedes E35 is **FORFEITED** to

¹ Pursuant to TENN. CODE ANN. § 40-33-210(h), effective July 1, 2017, the ruling of the administrative judge is a final order.

the seizing agency, the 22nd Judicial District Drug Task Force, **SUBJECT TO** the lien of By Pass Auto Sales, LLC.

The policy reasons for this decision are to uphold the laws of the State of Tennessee while providing appropriate protections for the property rights of individuals.

It is so **ORDERED**.

This **FINAL ORDER** entered and effective this the 16th day of December, 2022.



MARK GARLAND
ADMINISTRATIVE JUDGE
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE

Filed in the Administrative Procedures Division, Office of the Secretary of State, this the 16th day of December, 2022.

NOTICE OF APPEAL PROCEDURES

REVIEW OF FINAL ORDER

The Administrative Judge's decision in your case with the Tennessee Department of Safety and Homeland Security, called a Final Order, was entered on December 16, 2022. If you disagree with this decision, you may take the following actions.

1. **File a Petition for Reconsideration:** You may ask the Administrative Judge to reconsider the decision by filing a Petition for Reconsideration with the Administrative Procedures Division (APD). A Petition for Reconsideration should include your name and the above APD case number and should state the specific reasons why you think the decision is incorrect. APD must receive your written Petition no later than 15 days after entry of the Final Order, which is no later than **January 3, 2023**. Filing instructions are included at the end of this document.

The Administrative Judge has 20 days from receipt of your Petition to grant, deny, or take no action on your Petition for Reconsideration. If the Petition is granted, you will be notified about further proceedings, and the timeline for appealing (as discussed in paragraph (2), below) will be adjusted. If no action is taken within 20 days, the Petition is deemed denied. As discussed below, if the Petition is denied, you may file an appeal no later than **February 14, 2023**. See TENN. CODE ANN. §§ 4-5-317 and 4-5-322.

2. **File an Appeal:** You may appeal the decision by filing a Notice of Review of the Final Order in the Circuit Court or Chancery Court of "Davidson, Washington, Knox, Hamilton, Putnam, Madison, Dyer, Lawrence, or Shelby County; provided, that, the Notice of Review shall be filed in the county which corresponds with the location of the hearing," within 60 days of the date of entry of the Final Order, which is no later than **February 14, 2023**. See TENN. CODE ANN. §§ 4-5-322 & 40-33-213. The filing of a Petition for Reconsideration is not required before appealing. See TENN. CODE ANN. § 4-5-317.

STAY

In addition to the above actions, you may file a Petition asking the Administrative Judge for a stay that will delay the effectiveness of the Final Order. A Petition for Stay must be received by APD within 7 days of the date of entry of the Final Order, which is no later than **December 27, 2022**. See TENN. CODE ANN. § 4-5-316. A reviewing court also may order a stay of the Order upon appropriate terms. See TENN. CODE ANN. §§ 4-5-322 and 4-5-317.

IN THE MATTER OF:
TENNESSEE DEPARTMENT OF SAFETY AND
HOMELAND SECURITY V. ENOC SILVA

APD CASE No. 19.01-222187J

NOTICE OF APPEAL PROCEDURES

FILING

Documents should be filed with the Administrative Procedures Division by email *or* fax:

Email: APD.Filings@tn.gov

Fax: 615-741-4472

In the event you do not have access to email or fax, you may mail or deliver documents to:

Secretary of State
Administrative Procedures Division
William R. Snodgrass Tower
312 Rosa L. Parks Avenue, 8th Floor
Nashville, TN 37243-1102



Department of
Safety &
Homeland Security

(3) COPY

Legal Division / Office of General Counsel

DECEMBER 21, 2022

22ND JUDICIAL DISTRICT DRUG TASK FORCE
CHRIS ANDERSON
P O BOX 1619
COLUMBIA, TN 38402

RE: ORDER FOR TDOHS No.: 01757-N-2022-M - P1

Enclosed is a Order of Forfeiture (Administrative Forfeiture). If you have any questions or concerns, please do not hesitate to contact the Legal Division 615-251-5296.

Legal Division

Enclosures

CC: File

CASE NUMBER 01757-N-2022-M
ORDER ID: 01757-N-2022-M-002
S.A. NUMBER: TN0500800
CURRENCY: \$1379.00 IN US CURRENCY
SEIZED FROM: ENOC SILVA
SEIZED BY: 022-22ND JUDICIAL DISTRICT DRUG TASK FORCE
SEIZED ON: 13 APRIL 2022

ORDER OF ADMINISTRATIVE FORFEITURE

This matter is before the Appeals Division, sitting at Nashville, Tennessee, pursuant to the Order of Delegation issued January 22, 2019 and Rule 1340-02-02-.21(4). Based upon the agency record in this case, the CAPTIONED PROPERTY was seized pursuant to T.C.A. §53-11-201, et seq. and T.C.A. §40-33-201, et seq.; a judicial forfeiture warrant was obtained as required by T.C.A. §40-33-204; a notice of seizure and issuance of the warrant was given or reasonably attempted as required by T.C.A. §§40-33-203 and 204; and NO PETITION has been filed by any person asserting a claim to, or proof of a security interest in, the CAPTIONED PROPERTY within thirty (30) days of such notice(s) as required by T.C.A. §§40-33-205 and 206, et seq. Therefore, it is hereby

ORDERED that the CAPTIONED PROPERTY be FORFEITED to the SEIZING AGENCY pursuant to T.C.A. §40-33-206(c), for disposition as provided by law.

It is so ORDERED and EFFECTIVE

7 DECEMBER 2022

Entry Date

Dustin
Brandon/C.B

Digitally signed by Dustin Brandon/
C.B
DN: cn=Dustin Brandon/ C.B, o, ou,
email=Dustin.Brandon@tn.gov, c=US
Date: 2022.12.05 12:21:58 -06'00'

Dustin Brandon, Commissioner's Designee
Appeals Division
Tennessee Department of Safety
1150 Foster Avenue
Nashville, Tennessee 37243

Please see the attached sheet for notice of additional legal rights regarding this Final order. If you DO NOT RECEIVE such a notice with this order, it is YOUR RESPONSIBILITY to contact the Legal Division of the Department of Safety and request a copy of the Notice.

DELEGATION ORDER ON FILE IN APPEALS DIVISION AND IS AVAILABLE ON REQUEST.

Case Number: 01757-N-2022-M

Notice of Legal Rights Regarding This Administrative Order of Forfeiture

Within fifteen (15) days of the Entry Date of this Order, you may file a written request for a hearing to contest this Order, stating legal and factual reasons for your position. Such request must be filed with the Appeals Division at:

Tennessee Department of Safety and Homeland Security, Appeals Division
1150 Foster Avenue
Nashville, TN 37243

The request must be received at the Department of Safety & Homeland Security within this fifteen (15) day period. **Date of postmark will not be accepted.**

Within thirty (30) days of receipt of your request, the Department will schedule a hearing date on your request. This hearing will be held before an Administrative Judge from the Secretary of State's office. You will receive notification of the hearing date and location from the Department of Safety and Homeland Security.

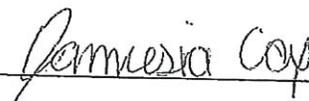
Certificate of Service

Comes now the Legal Division of the Department of Safety, by its undersigned counsel, and certifies that a true and correct copy of the above notice of legal rights and the Order of Forfeiture entered by the Appeals Division in the above captioned case has been mailed, first class United States postage prepaid, to

22ND JUDICIAL DISTRICT DRUG TASK FORCE
CHRIS ANDERSON
P O BOX 1619
COLUMBIA, TN 38402

ENOC SILVA
1347 CHIPPENDALE CIRCLE
COLUMBIA, TN 38401

on DEC 05 2022;



Staff
Tennessee Department of Safety
Legal Division Middle
1350 Foster Avenue
Nashville, TN 37243
(615) 251-5296



Department of
Safety &
Homeland Security

Legal Division / Office of General Counsel

NOVEMBER 30, 2023

SPRING HILL POLICE DEPT
THOMAS GOETZ
199 TOWN CNTR PKWY-PO BOX 789
SPRING HILL, TN 37174-0789

RE: ORDER FOR TDOHS No.: 03020-N-2023-M

Enclosed is an Order of Administrative Forfeiture (No Petition). If you have any questions or concerns, please do not hesitate to contact the Legal Division Middle - Tel: 615-251-5296.

Legal Division

Enclosures
CC: File

Corey Kudo

CASE NUMBER: 03020-N-2023-M
S.A. NUMBER: TN0600300
VEHICLE: 2007 MERCURY MARINER
VIN: 4M2CU97187KJ14194
PROPERTY: \$355 IN US CURRENCY
SEIZED FROM: COREY KUCLO
SEIZED BY: SPRING HILL POLICE DEPT
SEIZED ON: SEPTEMBER 20, 2023

ORDER OF ADMINISTRATIVE FORFEITURE
(NO PETITION)

This matter is before the Appeals Division, sitting at Nashville, Tennessee, pursuant to the Order of Delegation issued January 22, 2019 and Rule 1340-02-02-.21(4). Based upon the agency record in this case, the CAPTIONED PROPERTY was seized pursuant to T.C.A. §53-11-201 and §40-33-201, et seq.; a judicial forfeiture warrant was obtained as required by T.C.A. §40-33-204; a notice of seizure and issuance of the warrant was given or reasonably attempted as required by T.C.A. §§40-33-203 and 204; and NO PETITION has been filed by any person asserting a claim to, or proof of a security interest in, the CAPTIONED PROPERTY within thirty (30) days of such notice(s) as required by T.C.A. §§40-33-205 and 206, et seq. Therefore, it is hereby

ORDERED that said CAPTIONED PROPERTY be FORFEITED to the SEIZING AGENCY pursuant to T.C.A. §40-33-206(c) for disposition as provided by law.

30 November 2023
Entry Date

Dustin
Brandon

Digitally signed by Dustin Brandon
DN: cn=Dustin Brandon, o, ou,
email=claudette.brown@tn.gov,
c=US
Date: 2023.11.21 14:00:31 -0500

Dustin Brandon
Appeals Division
Commissioner Designee
Tennessee Department of Safety
1150 Foster Avenue
Nashville, TN 37243-4400

DELEGATION ORDER ON FILE IN APPEALS DIVISION AND IS AVAILABLE ON REQUEST.

Case Number: 03020-N-2023-M

Notice of Legal Rights Regarding This Administrative Order of Forfeiture

Within fifteen (15) days of the Entry Date of this Order, you may file a written request for a hearing to contest this Order, stating legal and factual reasons for your position. Such request must be filed with the Appeals Division at:

Tennessee Department of Safety and Homeland Security, Appeals Division
1150 Foster Avenue
Nashville, TN 37243

The request must be received at the Department of Safety & Homeland Security within this fifteen (15) day period. Date of postmark will not be accepted.

Within thirty (30) days of receipt of your request, the Department will schedule a hearing date on your request. This hearing will be held before an Administrative Judge from the Secretary of State's office. You will receive notification of the hearing date and location from the Department of Safety and Homeland Security.

Certificate of Service

Comes now the Legal Division of the Department of Safety, by its undersigned counsel, and certifies that a true and correct copy of the above notice of legal rights and the Order of Administrative Forfeiture entered by the Appeals Division in the above captioned case has been mailed, first class United States postage prepaid, to all known interested parties

on this the 30th day of November, 2023

Bl

TDOSHS Staff

SPRING HILL POLICE DEPT
THOMAS GOETZ
199 TOWN CNTR PKWY-PO BOX 789
SPRING HILL, TN 37174-0789

COREY KUCLO
2712 DICKERSON PIKE, LOT 130
NASHVILLE, TN 37207

CASSIE KUCLO
2712 DICKERSON PIKE, LOT 130
NASHVILLE, TN 37207