

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

FILED
TN CLAIMS COMMISSION
CLERK'S OFFICE
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CLINT MEADORS,)
)
 Claimant,) Claim No. T20140812
)
 vs.)
)
 STATE OF TENNESSEE,)
) Regular Docket
 Defendant.)

ORDER OF DISMISSAL

This claim came before Robert Hibbett, Commissioner and judge of the facts and law, upon the State's Motion to Dismiss for lack of subject matter jurisdiction. Claimant has not responded to the motion.

The Claimant has filed a Complaint alleging that a state environmental inspector and a state soil consultant approved specific acreage on Osborne Lane in Rutherford County as a suitable building site and that it was approved for a septic system. After Claimant applied for a permit, it was not approved for a septic system and the Claimant had to expend unforeseen monies to have access to a city sewer system.

The State has filed a motion to dismiss stating that the Claims Commission does not have subject matter jurisdiction to adjudicate the claim. The statute addressing this issue is Tenn. Code Ann. 9-8-307:

(2) No item enumerated in this subsection (a) shall be interpreted to allow any claim against the state on account of the acts or omissions of persons, partnerships, corporations or other entities licensed or regulated by agencies of the state, notwithstanding any negligence committed by the state in the course of performing licensing or regulatory activities. No item enumerated in this subsection (a) shall be interpreted to allow any claims against the state arising out of or resulting from:

(A) The issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order or similar authorization, except as provided for in subdivision (a)(1)(V);

(B) An inspection, or by reason of making an inadequate or negligent inspection of any property, except as provided for in subdivision (a)(1)(I);

Tenn. Code Ann. § 9-8-307

It appears to the Tribunal that the statute excludes the State of Tennessee from claims concerning negligent inspection and permitting decisions. The Claims Commission is an administrative tribunal (court) that was created by the General Assembly to adjudicate specific and enumerated monetary claims against the State. If the Commission is not given specific jurisdiction to adjudicate a claim, then it must dismiss the claim. It appears to the Tribunal that it does not have

subject matter jurisdiction to adjudicate this claim. **Therefore, this claim is respectfully dismissed.**

IT IS SO ORDERED this 12 day of August, 2014.



ROBERT N. HIBBETT
Claims Commissioner
Sitting as the Trial Court of Record

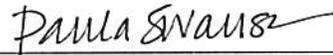
CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

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CLINT MEADORS
841 Osborne Lane
Murfreesboro, TN 37130

This 14th day of Aug., 2014.



PAULA SWANSON
Administrative Clerk
Tennessee Claims Commission