

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

NOV - 8 2007

STATE of OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
Petitioner,)
v.)
GARLAND BEASLEY, formerly a licensed Bail)
Bondsman in the State of Oklahoma,)
Respondent.)

Case No. 07-1121-DIS

INSURANCE COMMISSIONER
OKLAHOMA

ADMINISTRATIVE ORDER

ON THE 10th day of October, 2007 the above numbered and entitled cause came on for hearing and was concluded on the same date. The Insurance Commissioner, Kim Holland, was represented by her attorney, Sandra G. LaVenue. Respondent failed to appear in person nor did he have counsel appear on his behalf after having been mailed a copy of the Notice of Hearing and Order to Show Cause by certified mail with return receipt requested to the last known address as provided by Respondent to the Insurance Commissioner pursuant to the Oklahoma Bail Bond Code, OKLA. STAT. tit. 59, §§1301-1340, and the Oklahoma Administrative Procedures Act, OKLA. STAT. tit. 75, §§250-323.

The Hearing Examiner, having been fully advised in the premises, finds by clear and convincing evidence as follows:

JURISDICTION AND AUTHORITY

1. That the Insurance Commissioner has jurisdiction of this cause, pursuant to the provisions of the Oklahoma Bail Bond Code, OKLA. STAT. tit. 59, §§1301-1340.

2. Respondent was a licensed bail bondsman in the State of Oklahoma holding license number 800834/199938. However, he failed to renew his license by September 30, 2007. Therefore, his license expired on October 1, 2007.

FINDINGS OF FACT

1. That on or about September 10, 2007, Petitioner, through her attorney, caused to be mailed a *Notice of Hearing and Order to Show Cause* to Respondent at his last known address of record.

2. That the *Notice of Hearing and Order to Show Cause* contained statements of jurisdiction, allegations of fact, alleged violations of law and an order setting each the proceedings for October 10, 2007, at 9:30 a.m. at the office of the Insurance Commissioner, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

3. That the Insurance Commissioner appointed Leamon Freeman to hear the case as the independent Hearing Examiner and he entered these findings and conclusions.

4. The September 10, 2007, *Notice of Hearing and Order to Show Cause* was mailed to Respondent by certified mail return receipt requested, article number 7001 0320 0004 0179 1421, to his address of record, 601 N. Walker Ave, Suite 114, Oklahoma City, Oklahoma 73102-1630. The PS Form 3811 was signed by Michael Castar on September 12, 2007 and returned to Petitioner on September 14, 2007.

5. The Hearing was recorded electronically by employees of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

6. Due to Respondent's failure to appear, he is found in default. As a result, the Allegations of Fact as listed in the September 10, 2007, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. It is as follows:

- a. On or about July 3, 2007, Petitioner mailed correspondence to the Respondent regarding unpaid reviewal fee on his May 2007 Safety National Casualty Corporation monthly report.
- b. Respondent was instructed to remit the unpaid reviewal fee within ten (10) days from the date of the letter.

- c. Respondent failed to remit the unpaid reviewal fee within ten (10) days from receipt of the letter.
 - d. As of the date of this Notice, Respondent has not remitted the unpaid reviewal fee.
7. Respondent's actions in failing to pay the reviewal fee is a violation of OKLA. STAT. tit. 59, § 1310(A) (22), 1314(D), and OKLA. ADMIN. CODE 365:25-5-36.

CONCLUSIONS OF LAW

1. These proceedings were commenced in accordance with and conducted pursuant to the applicable provisions of the Oklahoma Administrative Procedures Act, OKLA. STAT. tit. 75, §§ 250-323, as amended, and the Oklahoma Bail Bond Code, OKLA. STAT. tit. 59, §§ 1301-1340 as amended.

2. The Commissioner has jurisdiction to conduct this hearing as the Respondent is a licensed bail bondsman pursuant to OKLA. STAT. tit. 59, §§ 1301-1340, as amended.

3. The Respondent was provided lawful service and adequate notice of the time and place of the hearing and was sufficiently advised of the allegations against him as required by OKLA. STAT. tit. 75, § 309, as amended and OKLA. STAT. tit. 59, § 1311, as amended.

4. The Independent Hearing Examiner was properly and legally appointed pursuant to OKLA. STAT. tit. 59, § 1311.1(B).

5. Due to Respondent's failure to appear, he is found in default. As a result, the Alleged Violations of Law as listed in the September 10, 2007, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. It is as follows:

Respondent has violated OKLA. STAT. tit. 59, § 1310(A)(22), 1314(D), and OKLA. ADMIN. CODE 365:25-5-36 by failing to remit the correct amount of reviewal fee for his May 2007 Safety National Casualty Corporation monthly surety report.

6. The conduct of Respondent in his failure to remit the reviewal fees is a violation of OKLA. STAT. tit, 59, § 1310(A)(22), 1314(D), and OKLA. ADMIN. CODE 365:25-5-36.

ORDER

1. IT IS THEREFORE ORDERED that the Respondent is fined in the amount of **One Hundred and No/100 Dollars (\$100.00)**.

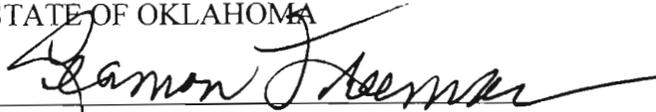
2. IT IS FURTHER ORDERED that the Respondent is assessed costs in the amount of **Fifty and No/100 Dollars (\$50.00)**.

3. IT IS FURTHER ORDERED that the Respondent must pay the unpaid reviewal fee in the amount of Fifty-Five and No/100 Dollars (\$55.00) immediately.

4. IT IS FURTHER ORDERED that the fine must be paid, costs must be paid and the unpaid reviewal fee must be paid before Respondent may be allowed to apply for reinstatement or renewal of his bail bond license.

WITNESS My Hand and Official Seal this 6 day of November, 2007.

KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



LEAMON FREEMAN
Hearing Examiner
Post Office Box 53408
Oklahoma City, Oklahoma 73152-3408
(405) 521-2746



CERTIFICATE OF MAILING

I, Sandra G. LaVenue, hereby certify that a true and correct copy of the above and foregoing Administrative Order was mailed postage prepaid with return receipt requested on this 8 day of Nov., 2007, to:

Garland Beasley
601 N. Walker Ave., Suite 114
Oklahoma City, Oklahoma 73102-1630

and that a copy was delivered to:

Robert H. Noll, Director
Oklahoma Insurance Department
Bail Bond Division



SANDRA G. LAVENUE
Assistant General Counsel