

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

JAN 16 2008

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
Petitioner,)
v.) Case No. 07-1369-DIS
ROBERT DAMPF AGUILAR, a licensed Bail)
Bondsman in the State of Oklahoma,)
Respondent.)

ADMINISTRATIVE ORDER

ON THE 28th day of November, 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 and failed to have counsel present on her 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 is a licensed bail bondsman in the State of Oklahoma holding license number 800443/199461.

FINDINGS OF FACT

1. That on or about November 7, 2007, Petitioner, through her attorney, caused to be mailed a *Notice of Hearing and Order to Show Cause* to Respondent at her 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 the proceedings for November 28, 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. The November 7, 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 7072, to her address of record, 121 N. Denver Ave., Tulsa, Oklahoma 74103-1819. The PS Form 3811 was signed by D. Teague on November 9, 2007.

4. That the Insurance Commissioner appointed Leslie L. Conner, Jr. to hear the case as the independent Hearing Examiner and he entered these findings and conclusions.

5. The Hearing Examiner stated he was aware of allegations listed in another case set for the same docket, November 28, 2007. And he was aware of Respondent Roberta Aguilar's inability to travel as well as her attorney's inability to travel. However, neither Respondent Roberta Aguilar nor her attorney has made any contact with Petitioner or the Hearing Examiner regarding this matter.

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

7. Due to Respondent Roberta Aguilar's failure to appear, she is found in default. As a result, the Allegations of Fact as listed in the November 7, 2007, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. They are as follows:

a. On or about January 30, 2007, an appearance bond was issued as follows:

Defendant:	Jeffery Hosford
Case Number:	M-07-77
City/County:	Pittsburg County
Bondsman:	Kathy Mordecai
Insurer:	Roberta Dampf Aguilar
Power Number:	ABB-06-13838
Bond Amount:	\$500.00

b. On or about May 22, 2007, the bond was forfeited and an Order and Judgment of Forfeiture was issued.

c. The Defendant was not returned to custody within ninety (90) days nor was the forfeiture paid within ninety-one (91) days.

8. The forfeiture was untimely paid on October 10, 2007.

9. Respondent Roberta Aguilar's actions in failing to deposit cash or other valuable securities in the face amount of the bond with the Court Clerk ninety-one (91) days from receipt or mailing of the Order and Judgment of Forfeiture from the Court Clerk is a violation of OKLA. STAT. tit. 59, § 1332.

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. Respondent Roberta Dampf Aguilar was provided lawful service and adequate notice of the time and place of the hearing and was sufficiently advised of the allegations against her 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 Roberta Aguilar's failure to appear, she is found in default. As a result, the Alleged Violation of Law as listed in the November 7, 2007, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. It is as follows:

Respondents have violated OKLA. STAT. tit. 59, § 1332(D) by failing to deposit cash or other valuable securities in the face amount of the bond with the Court Clerk ninety-one (91) days from receipt or mailing of the Order and Judgment of Forfeiture from the Court Clerk.

6. The conduct of Respondent Roberta Aguilar in her failure to return the defendant to custody within ninety (90) days or pay the forfeiture within ninety-one (91) days after the issuance of the Order and Judgment of Forfeiture is a violation of OKLA. STAT. tit, 59, § 1332(D).

ORDER

1. IT IS THEREFORE ORDERED that Respondent Roberta Aguilar is fined in the amount of **Two Hundred and No/100 Dollars (\$200.00)**.

2. IT IS FURTHER ORDERED that Respondent Roberta Aguilar is assessed costs in

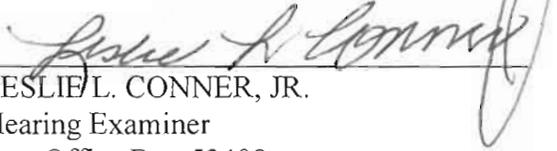
the amount of **One Hundred Fifty and No/100 Dollars (\$150.00)**.

3. IT IS FURTHER ORDERED that Respondent Roberta Aguilar has thirty (30) days from the date of receipt of this Administrative Order to pay the fine and costs imposed. If Respondent Roberta Aguilar fails to pay said costs within the thirty (30) days allowed, her license will immediately and without further notice be suspended. Her license will remain suspended until the fine and costs are paid in full.

WITNESS My Hand and Official Seal this 16 day of Jan, 2008.



KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


LESLIE L. CONNER, JR.
Hearing Examiner
Post Office Box 53408
Oklahoma City, Oklahoma 73152-3408
(405) 521-2746

CERTIFICATE OF MAILING

I, Sandra G. LaVenué, 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 12 day of Jan, 2008, to:

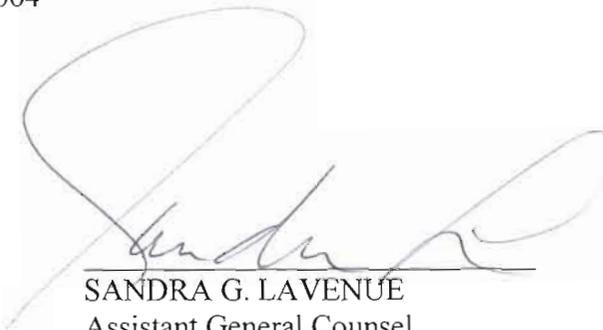
Roberta Dampf Aguilar
121 N. Denver Ave.
Tulsa, Oklahoma 74103-1819

and that a copy was mailed to:

Linda Williams
Pittsburg County Court Clerk
115 E. Carl Albert Parkway, Suite 14
McAlester, Oklahoma 74501-5064

and that a copy was delivered to:

Robert Noll, Director
Bail Bond Division



SANDRA G. LAVENUÉ
Assistant General Counsel