

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

MAR 27 2008

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
Petitioner,)
v.) Case No. 07-1386-DIS
THOMAS WRIGHT, a licensed Bail Bondsman)
in the State of Oklahoma,)
Respondent.)

ADMINISTRATIVE ORDER

ON THE 5th day of March, 2008, 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 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 800693/199921. However, Respondent 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 December 17, 2007, Petitioner through her attorney, caused to be mailed a *Notice of Hearing and Order to Show Cause* to Respondent at his address of record.
2. That the *Notice of Hearing and Order to Show Cause* each contained statements of jurisdiction, allegations of fact, alleged violations of law and an order setting each the proceedings for January 30, 2008, 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 December 17, 2007, *Notice of Hearing and Order to Show Cause* was mailed to Respondent by certified mail return receipt requested, article number 7001 0810 0002 6162 9882, to his address of record, Post Office Box 1562, Sand Springs, Oklahoma 74063-1562. The PS Form 3811 was signed by Respondent on December 28, 2008 and returned to Petitioner on December 31, 2008.
4. That the Insurance Commissioner appointed Leamon Freeman to hear the case as the independent Hearing Examiner and he entered these findings and conclusions.
5. That on or about February 6, 2008, Petitioner through her attorney, caused to be mailed a *Continuance* to Respondent at his address of record. Said matter was continued upon Respondent's request from January 30, 2008, to March 5, 2008, at 9:30 o'clock a.m. at the office of the Insurance Commissioner, 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73152.
6. The February 6, 2008, *Continuance* was mailed to Respondent by regular first class mail and certified mail return receipt requested, article number 7001 0810 0004 0178 8650, to his address of record, Post Office Box 1562, Sand Springs, Oklahoma 74063-1562. The PS Form 3811 was not returned to Petitioner. However, a review of the United States Postal Service website

reflected notice was left with Respondent, and that Respondent failed to pick up the Notice. In addition, the regular mail was not returned to Petitioner. Therefore, Respondent did receive notice of the hearing.

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

8. Due to Respondent's failure to appear, he is found in default. As a result, the Allegations of Fact as listed in the December 17, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. They are as follows:

a. On or about August 21, 2007, a letter was mailed to Respondent regarding his July 2007 Allegheny Casualty Company monthly surety report. Respondent was informed that he failed to remit the correct reviewal fee. He was instructed to remit Two Hundred Seventy-Three and 31/100 Dollars to Petitioner by August 28, 2007. In addition, Respondent was informed that his report was incorrect in that the signature of the person examining the records was missing from his Affidavit of Discharge pages. Respondent was requested to have the original documents signed and returned to the Department immediately. In addition, Respondent was informed that there were other various errors made on his summary page and his individual pages.

b. Respondent received the letter on August 27, 2007. As of the date of this Notice, Respondent has failed to respond to the August 21, 2007 letter.

c. On or about October 2, 2007, a letter was mailed to Respondent regarding his July 2007 Safety National Casualty Corporation monthly surety report. Respondent was informed that he needed to review and correct his Affidavit of Discharge page with a signature and complete the notary on his Summary page. Respondent was instructed to respond to the letter by October 13, 2007.

d. Respondent received said letter on October 5, 2007. As of the date of this Notice, Respondent has failed to respond to the October 2, 2007 letter.

9. Respondent's actions in failing to file a notarized monthly report and failing to pay reviewal fees are violations of OKLA. STAT. tit. 59, § 1314(B) and (D).

10. Respondent's action in failing to respond to a properly addressed letter from the Oklahoma Insurance Department is a violation of OKLA. STAT. tit. 59, § 1310(A)(21).

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 was a licensed bail bondsmen pursuant to OKLA. STAT. tit. 59, §§ 1301-1340, as amended. Pursuant to OKLA. STAT. tit. 59, § 1310(E), Petitioner retains jurisdiction over Respondent for a period of time up to two (2) years from the date he failed to renew.

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 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 February 20, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. They is as follows

- a. Respondent has violated OKLA. STAT. tit. 59, § 1314(B) and (D) by failing to file a notarized monthly report and failing to pay a reviewal fee.

b. Respondent has violated OKLA. STAT. tit. 59, § 1310(A)(21) by failing to respond to a properly addressed letter from the Oklahoma Insurance Department.

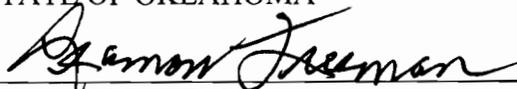
ORDER

1. IT IS THEREFORE ORDERED that Respondent is hereby fined in the amount of **Two Hundred Fifty and No/100 Dollars (\$250.00)** and assessed costs in the amount of **One Hundred and No/100 Dollars (\$100.00)**.

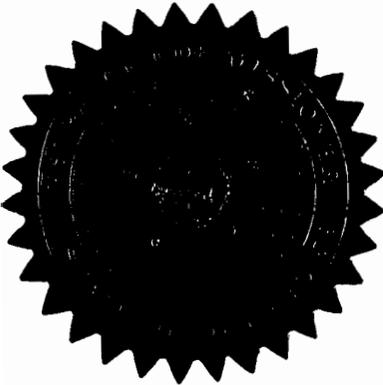
3. IT IS FURTHER ORDERED that Respondent is to pay the fine and costs prior to any new application which the Insurance Commissioner issues may issue is submitted by Respondent.

WITNESS My Hand and Official Seal this 26th day of March, 2008.

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

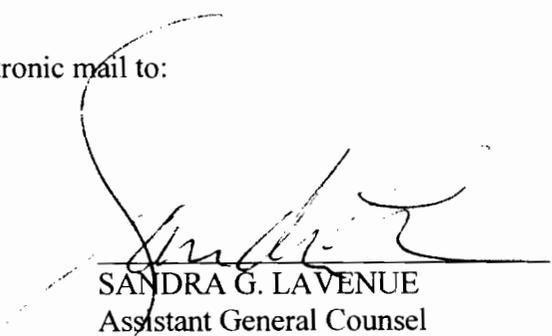
I, Sandra G. LaVenue, hereby certify that a true and correct copy of the above and foregoing Administrative Order was mailed postage prepaid with return receipt requested on this 27 day of March, 2008, to:

Thomas Wright
Post Office Box 1562
Sand Springs, Oklahoma 74063-1562

Thomas Wright
3327 E. Virgin
Tulsa, Oklahoma 74115

and that a copy was delivered via electronic mail to:

Robert H. Noll, Director
Bail Bond Division



SANDRA G. LAVENUE
Assistant General Counsel