

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

FEB - 3 2008

INSURANCE COMMISSIONER
OKLAHOMA

STATE of OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
Petitioner,)
v.) Case No. 08-0052-DIS
BOBBY BAKER, formerly a licensed Bail)
Bondsman in the State of Oklahoma,)
Respondent.)

ADMINISTRATIVE ORDER

ON THE 30th day of January, 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 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 800895/199559. However, he voluntarily surrendered his license on or about January 17, 2008.

FINDINGS OF FACT

1. That on or about January 9, 2008, 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* each contained statements of jurisdiction, allegations of fact, alleged violations of law and an order setting 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. 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 Hearing was recorded electronically by employees of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

5. Respondent received said Notice on January 12, 2008, as per the PS Form 3811, article number 7006 0810 0002 6162 9509 with his signature.

6. Respondent failed to appear when his name was called.

7. Due to Respondent's failure to appear, he is found in default. As a result, the Allegations of Fact as listed in the January 9, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. Which are as follows:

a. Respondent failed to file his October 2007 monthly cash report by November 15, 2007.

b. As of the date of this Order, the report has not been filed.

8. Respondent's actions in failing to timely file his October 2007 monthly cash report

by November 15, 2007 is a violation of OKLA. STAT. tit. 59, § 1310(A)(22), 1314(B), 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 was 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 Violation of Law as listed in the January 9, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. It is as follows:

a. Respondent has violated OKLA. STAT. tit. 59, § 1310(A)(22), 1314(B), and OKLA. ADMIN. CODE 365:25-5-36 by failing to timely file his October 2007 monthly cash report.

6. The conduct of Respondent in his failure to timely file his October 2007 monthly cash report is a violation of OKLA. STAT. tit. 59, § 1310(A)(22), 1314(B), and OKLA. ADMIN. CODE 365:25-5-36.

ORDER

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

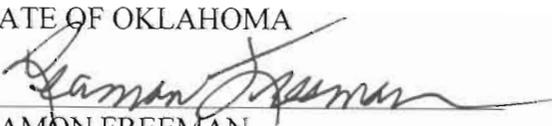
2. IT IS FURTHER ORDERED that Respondent is assessed costs in the amount of **Fifty and No/100 Dollars (\$50.00)**.

3. IT IS FURTHER ORDERED that Respondent has thirty (30) days from the date of the hearing to pay the fine and costs imposed. Respondent will be required to pay the fine and costs before he attempts to have his license reinstated or a new license issued.

WITNESS My Hand and Official Seal this 6th day of February, 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 6th day of February, 2008, to:

Bobby Baker
Post Office Box 3571
Lawton, Oklahoma 73502-3571

and that a copy was delivered to:

Robert Noll, Director
Bail Bond Division



SANDRA G. LAVENUE
Assistant General Counsel