

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. Roche is a licensed surety in the State of Oklahoma holding license number 0010.

3. White was a licensed bail bondsman in the State of Oklahoma holding license number 800429/199873. However, White failed to renew her license by September 30, 2007. Therefore, her license expired on October 1, 2007.

FINDINGS OF FACT

1. That on or about February 6, 2008, Petitioner through her attorney, caused to be mailed a *Notice of Hearing and Order to Show Cause* to Respondents at their addresses 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 February 20, 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 February 6, 2008 *Notice of Hearing and Order to Show Cause* was mailed to Roche by certified mail return receipt requested, article number 7001 0320 0004 0178 8742, to its address of record, 1910 Orient Road, Tampa, Florida 33619. The PS Form 3811 was signed by a name which is illegible on February 11, 2008 and returned to Petitioner on February 15, 2008.

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.

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

7. Due to Roche's failure to appear, it is found in default. As a result, the Allegations of Fact as listed in the February 6, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. They are as follows:

- a. On or about October 18, 2006, an appearance bond was issued as follows:

Defendant:	Terry Harvey
Case Number:	CF-2004-2156
City/County:	Tulsa County
Bondsman:	Stacy White
Insurer:	Roche Surety & Casualty Company
Power Number:	AA06-518311
Bond Amount:	\$500.00
- b. On or about September 17, 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 January 2, 2008.

9. Roche'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.

10. White did not submit a defense for her failure to pay the forfeiture or return the defendant within the time allowed by the statute. Therefore, she admits to the following:

- a. On or about October 18, 2006, an appearance bond was issued as follows:

Defendant:	Terry Harvey
Case Number:	CF-2004-2156
City/County:	Tulsa County
Bondsman:	Stacy White
Insurer:	Roche Surety & Casualty Company
Power Number:	AA06-518311
Bond Amount:	\$500.00

- b. On or about September 17, 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.

11. The forfeiture was untimely paid on January 2, 2008.

12. White'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 Respondents are licensed bail bondsmen pursuant to OKLA. STAT. tit. 59, §§ 1301-1340, as amended.

3. The Respondents were 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 Roche's failure to appear, it is found in default. As a result, the Alleged Violation of Law as listed in the February 6, 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, § 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. White, in her failure 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, has violated OKLA. STAT. tit. 59, § 1332(D)

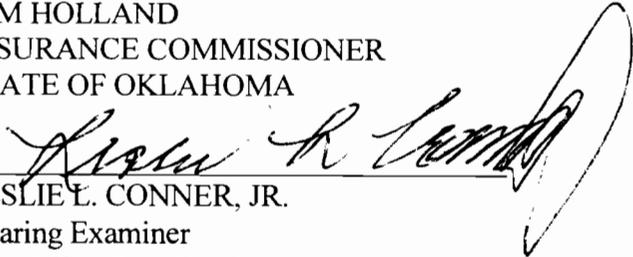
ORDER

1. IT IS THEREFORE ORDERED that Roche is hereby fined in the amount of **One Hundred Fifty and No/100 Dollars(\$150.00)** and assessed costs of **Fifty and No/100 Dollars (\$50.00)**. Fine and costs to be paid within thirty (30) days from receipt of this letter. If Roche fails to pay the fine within thirty (30) days of receipt of this Order, its certificate of authority will be immediately and without further notice cancelled and all of its appointments will be immediately cancelled as well.

2. IT IS FURTHER ORDERED that White is hereby fined in the amount of **One Hundred and No/100 Dollars (\$100.00)** and assessed costs in the amount of **Twenty-five and No/100 Dollars (\$25.00)**. Fine and costs are to be paid within thirty (30) days from the date of the hearing.

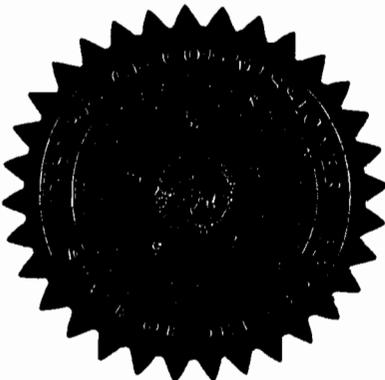
WITNESS My Hand and Official Seal this 17 day of March, 2008.

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. 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 18 day of March, 2008, to:

Roche Surety & Casualty Company
Bail Bond Division
1910 Orient Road
Tampa, FL 33619

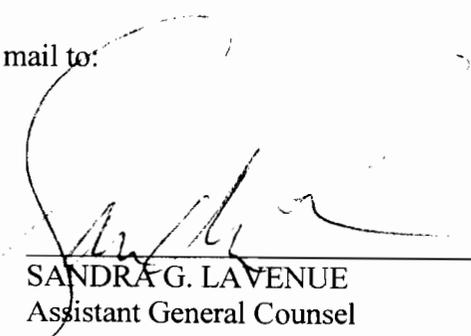
Stacy White
9702 S 74th E Ave
Tulsa, Oklahoma 74133

and that a copy was mailed to:

Sally Howe-Smith
Tulsa County Court Clerk
500 S. Denver Ave.
Tulsa, Oklahoma 74101

and that a copy was delivered via electronic mail to:

Robert H. Noll, Director
Bail Bond Division



SANDRA G. LAVENUE
Assistant General Counsel