

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. 08-0129-DIS
STACY WHITE, 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. LaVenué. Respondent failed to 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 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 20, 2008, Petitioner through her attorney, caused to be mailed a *Notice of Hearing and Order to Show Cause* to the Respondent at her 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 March 5, 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 February 20, 2008, *Notice of Hearing and Order to Show Cause* was mailed to Respondent by certified mail return receipt requested, article number 7001 0320 0004 0179 0516, to her address of record, 9702 S. 74th E. Ave., Tulsa, Oklahoma 74133. The PS Form 3811 was signed by Respondent on February 26, 2008, and returned to Petitioner on February 27, 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.

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 Respondent's failure to appear, she is found in default. As a result, the Allegations of Fact as listed in the February 20, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. They are as follows:

- a. On or about November 8, 2005, Tina Kennedy with the Tulsa County District Court Clerk's office sent Respondent a Notice of Transportation Costs Due for Earl Jason Dorsey, Jr., Case Number CF-05-2692. Respondent was informed that she was to remit transportation costs in the amount of One Thousand Six Hundred Forty-eight and 15/100 Dollars (\$1,648.15) to the Court Clerk immediately.
- b. On or about November 14, 2007, Petitioner mailed Respondent a letter indicating that the Tulsa County District Court Clerk's office had referred

Respondent's non-payment of transportation costs to the Oklahoma Insurance Department and that the costs were due immediately.

- c. Said letter was mailed to Respondent via certified mail, number 7001 0320 0003 9968 5849. Respondent received said letter on November 16, 2007.
- d. As of the date of this Order, Respondent has failed to remit payment for the transportation cost to the Court Clerk.

9. Respondent's actions in failing to pay all reasonable travel expenses accrued in returning the above referenced defendants to the original courts are a violation of OKLA. STAT. tit. 59, § 1310(A)(26)(28), and 1327(B).

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 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 she 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, she is found in default. As a result, the Alleged Violation of Law as listed in the February 20, 2008, *Notice of Hearing and Order to Show Cause* is deemed to be true and correct. It is as follows

a. Respondent has violated OKLA. STAT. tit. 59, § 1310(A)(26)(28) and 1327 (B) by failing to pay all reasonable travel expenses accrued in returning the above referenced defendants to the original court.

ORDER

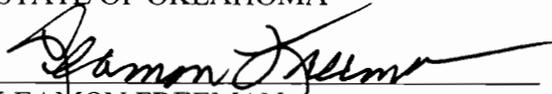
1. IT IS THEREFORE ORDERED that Respondent is ordered to pay the unpaid travel expenses in the amount of One Thousand Six Hundred Forty-eight and 15/100 Dollars (\$1,648.15) to the Tulsa County District Court Clerk's office immediately.

2. IT IS FURTHER ORDERED that Respondent is hereby fined in the amount of **Five Hundred and No/100 Dollars (\$500.00)** and assessed costs in the amount of **One Hundred Fifty and No/100 Dollars (\$150.00)**.

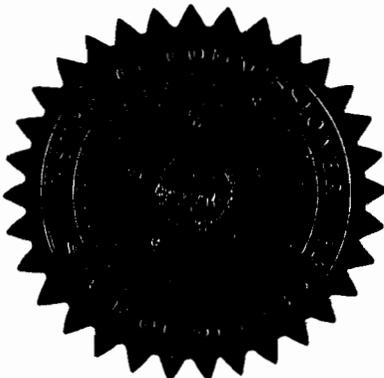
3. IT IS FURTHER ORDERED that Respondent is to provide proof of payment of the travel expenses and pay the fine and cots prior to any new application which the Insurance Commissioner issues may issue is submitted.

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:

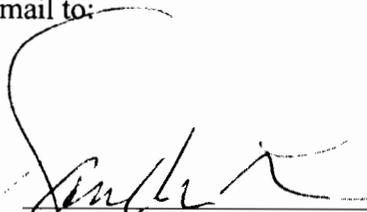
Stacy White
9702 S 74th E Ave
Tulsa, Oklahoma 74133

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