

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

MAR 27 2008

IN RE: The Application of ALISHA DIANE)
THOMAS for a Bail Bond License in the State of) Case No. 08-0147-DEN
Oklahoma.)

INSURANCE COMMISSIONER
OKLAHOMA

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. Alisha Diane Thomas (hereinafter "Applicant") was present with counsel, Don Jackson, after having been mailed a copy of the Notice of Hearing and Order to Show Cause by certified mail with return receipt requested to Applicant's address as provided by Applicant on her bail bond application 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.

STIPULATIONS 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 Applicants attorney.

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

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. 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. The following exhibits were introduced and admitted without objection:

Petitioner's Exhibit 1 (P-1): (4 pages) Applicant's application for a bail bond license

Petitioner's Exhibit 2 (P-2): (2 pages) OSBI report. This exhibit was admitted and later withdrawn from the record by Petitioner.

Petitioner's Exhibit 3 (P-3): (1 page) January 15, 2008 letter from Robert Noll to Applicant regarding her bail bond application.

Applicant's Exhibit 1 (R-1): Order of Expungement filed in January 31, 2007.

6. Applicant and Oklahoma Insurance Department's Bail Bond Division Director, Robert Noll were sworn in and testified under oath.

8. Applicant testified to the reason she answered in the negative to question number 3B on her bail bond application was upon instruction of her attorney and the advise of bondsmen with whom she currently works.

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 pursuant to OKLA. STAT. tit. 59, §§ 1301-1340, as amended.

3. The Applicant 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. Pursuant to OKLA. STAT. tit. 59, § 1305(A)(3), the crimes for which Applicant pled guilty to have been expunged. Furthermore, Applicant relied on the advice of her attorney and that of currently licensed bail bondsmen, although it was bad advice.

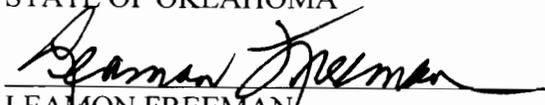
6. Applicant should have answered in the affirmative to question 3B on her bail bond application. However, she did so upon bad advice, not with an intent to deceive the Petitioner.

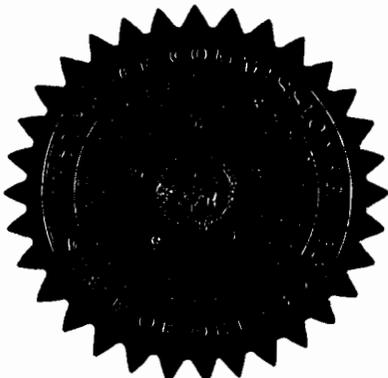
ORDER

IT IS THEREFORE ORDERED the State's denial of Applicant's license is hereby reversed.

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



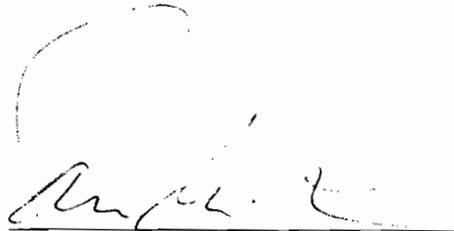
CERTIFICATE OF MAILING

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:

Don Jackson
217 N. Harvey, Ste 105
Oklahoma City, OK 73102

and that a copy was delivered to:

Robert H. Noll, Director
Bail Bond Division
Oklahoma Insurance Department



SANDRA G. LAVENUE
Assistant General Counsel