

FILED

APR 16 2008

INSURANCE COMMISSIONER
OKLAHOMA

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

STATE of OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
Petitioner,)
v.) Case No. 08-00193-DIS
JIMMY JOHNSON, formerly a licensed Bail)
Bondsman in the State of Oklahoma,)
Respondent.)

ADMINISTRATIVE ORDER

ON THE 12th 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 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 800939/199078. However, he failed to renew his license by September 30, 2007. As a result, his license expired on October 1, 2007.

FINDINGS OF FACT

1. That on or about February 26, 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 March 12, 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 Leslie L. Conner, Jr., 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 February 26, 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 0622, to his address of record, 4077 NW 3rd Street, Oklahoma City, Oklahoma 73107-6607. The PS Form 3811 was signed by Respondent and returned to Petitioner on February 28, 2008.

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 February 26, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. Which are as follows:

- a. On or about July 30, 2007, an appearance bond was issued as follows:

Defendant:	Vicki Treaster
Case Number:	CF-2007-5440
City/County:	Oklahoma County
Bondsman:	Jimmy Johnson
Insurer:	Laura Earley
Power Number:	3217
Bond Amount:	\$4,500.00

b. On or about September 25, 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. Respondent'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 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 February 26, 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.

ORDER

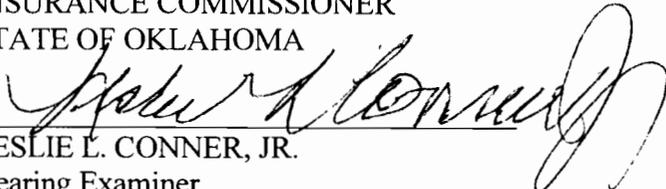
1. IT IS THEREFORE ORDERED that Respondent is fined in the amount of **Five Hundred and No/100 Dollars (\$500.00)**.

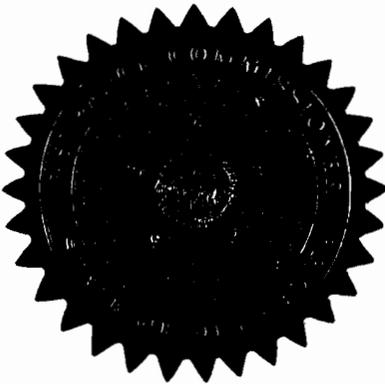
2. IT IS FURTHER ORDERED that Respondent is assessed costs in the amount of **One Hundred Fifty and No/100 Dollars (\$150.00)**.

3. IT IS FURTHER ORDERED that the fine and costs are to be paid by Respondent along with any and all unpaid fines and costs owed by Respondent prior to any new license, which Petitioner may issue, being issued to Respondent.

WITNESS My Hand and Official Seal this 14 day of April, 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 17 day of April, 2008, to:

Jimmy Johnson
4077 NW 3rd Street
Oklahoma City, Oklahoma 73107-6607

and that a copy was delivered by electronic mail to:

Robert Noll, Director
Bail Bond Division


SANDRA G. LAVENUE
Assistant General Counsel