

FILED

MAY 22 2008

**BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA**

**INSURANCE COMMISSIONER
OKLAHOMA**

STATE of OKLAHOMA, ex rel. KIM))
HOLLAND, Insurance Commissioner,))
Petitioner,))
v.)) Case No. 08-0308-DIS
TUESDAY STEPP, a licensed Bail Bondsman in))
the State of Oklahoma,))
Respondent.))

ADMINISTRATIVE ORDER

ON THE 1ST day of May, 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 appeared in person; however, she did not have counsel appear on her 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 is a licensed bail bondsman in the State of Oklahoma holding license number 800969/199971.

FINDINGS OF FACT

1. That on or about March 26, 2008, Petitioner, through her attorney, caused to be mailed a *Notice of Hearing and Order to Show Cause* to Respondent at her 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 each the proceedings for May 1, 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 was present and agreed to stipulate to the following:

a. On or about February 8, 2008, Petitioner mailed correspondence to Respondent regarding unreported bonds, which Petitioner discovered during the Bryan County Court Clerk audit. It was discovered that Respondent failed to report the following bonds:

<u>Defendant</u>	<u>Date Bond Written</u>	<u>Bond Amount</u>	<u>Case No.</u>
No file	December 18, 2007	\$ 509.00	N/F
Deanna Adams	December 18, 2007	\$ 5,000.00	CF-2005-00830
Brandi Drake	December 18, 2007	\$ 1,500.00	CF-2007-00645
Bobby Haliburton	December 18, 2007	\$ 3,600.00	CF-2007-00721
Paula Knight	December 18, 2007	\$ 509.00	CM-2007-01101
Paula Knight	December 18, 2007	\$ 200.00	CM-2007-01101
Marcia Dickerson	December 19, 2007	\$ 500.00	CM-2007-00413
Shannon Warren	December 19, 2007	\$ 1,000.00	CM-2007-00326
Shannon Warren	December 19, 2007	\$ 2,500.00	CM-2007-00675
Shannon Warren	December 19, 2007	\$ 7,500.00	CM-2006-00576
Shannon Warren	December 19, 2007	\$ 1,000.00	CM-2007-00790
Shannon Warren	December 19, 2007	\$ 5,000.00	CF-2006-00512

Rickey Shay	December 26, 2007	\$ 50,000.00	CF-2007-00712
Rickey Shay	December 26, 2007	\$ 5,000.00	CF-2007-00714

Respondent was instructed to respond to the letter by February 15, 2008. Said letter was sent to Respondent by certified mail, return receipt requested, article number 7001 0320 0004 2328 1801. Respondent signed for said correspondence on February 11, 2008 and the PS Form 3811 was returned to Petitioner on February 13, 2008.

b. On or about February 14, 2008, Petitioner mailed correspondence to Respondent regarding unreported bonds, which Petitioner discovered during the Bryan County Court Clerk audit. It was discovered that Respondent failed to report the following bonds:

<u>Defendant</u>	<u>Date Bond Written</u>	<u>Bond Amount</u>	<u>Case No.</u>
David St. Clair	January 7, 2008	\$ 1,000.00	CM-2008-00021
Jerry Lawton	January 7, 2008	\$ 1,000.00	CF-2008-00008
David St. Clair	January 8, 2008	\$ 1,000.00	CM-2008-00026
Amanda Pearce	January 8, 2008	\$ 5,000.00	CF-2008-00013
Willard Henderson	January 10, 2008	\$ 2,500.00	CF-2008-00016
Willard Henderson	January 10, 2008	\$ 1,500.00	CF-2006-00300
Miscellaneous Johnathan Williams	January 10, 2008	\$ 500.00	CM-2008-00000
Williams	January 10, 2008	\$ 2,509.00	CM-2008-00031
Gina McKenney	January 10, 2008	\$ 500.00	CM-2007-01093
Gina McKenney	January 10, 2008	\$ 500.00	CM-2006-00409
Miscellaneous	January 14, 2008	\$ 1,000.00	CM-2008-00000
Johnny Grady	January 14, 2008	\$ 7,000.00	CF-2007-00825
Valee Percy	January 14, 2008	\$ 2,500.00	CF-2007-00421
James Workman	January 16, 2008	\$ 250.00	CM-2006-00394
James Jordan	January 16, 2008	\$ 2,500.00	CF-2007-00826
Krystal Weaver	January 16, 2008	\$ 7,500.00	CF-2008-0011
Joe Boatwright	January 16, 2008	\$ 2,500.00	CF-2006-00668
Roger Mayfield	January 17, 2008	\$ 1,000.00	CF-2007-00228
Roger Mayfield	January 17, 2008	\$ 100.00	TRC-2007-01996
Dana Jones	January 23, 2008	\$ 1,000.00	CM-2007-00227
Kelly Barbee	January 23, 2008	\$ 5,000.00	CM-2008-00063
John Ragle	January 24, 2008	\$ 5,000.00	CF-2005-00102
William Standifer	January 24, 2008	\$ 500.00	CF-2006-00869
Tessica Walker	January 25, 2008	\$ 250.00	TRC-2007-01873
Tessica Walker	January 25, 2008	\$ 5,000.00	CF-2004-00177
Tessica Walker	January 25, 2008	\$ 500.00	TRC-2007-01872

Alva Blakley	January 29, 2008	\$ 2,500.00	CF-2003-00434
Shaun Long	January 29, 2008	\$ 2,509.00	CM-2008-00078
Shaun Long	January 29, 2008	\$ 1,000.00	CM-2006-00131
Darin Kinnamon	January 31, 2008	\$ 500.00	CM-2007-00867

Respondent was instructed to respond to the letter by February 25, 2008. Said letter was sent to Respondent by certified mail, return receipt requested, article number 7001 0320 0004 2328 1894. Janet Roberts signed for said correspondence on February 16, 2008 and the PS Form 3811 was returned to Petitioner on February 19, 2008.

c. On or about February 14, 2008, Respondent mailed a letter to Petitioner regarding her response to the February 8, 2008 and February 14, 2008 letters. Respondent attached her December 2007 monthly surety report and her January 2008 monthly surety report to said letter. All the unreported bonds referenced in the February 8, 2008 and February 14, 2008 letters were untimely reported on the two reports.

6. As a result of the parties' stipulations, the Hearing Examiner finds by clear and convincing facts that Respondent has violated OKLA. STAT. tit. 59, § 1310(A)(22), 1314(B), and OKLA. ADMIN. CODE. 365:25-5-36 by failing to report the above referenced bonds on her December 2007 monthly surety report and her January 2008 monthly surety report.

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 is 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 the stipulations entered by both parties, Respondent has violated OKLA. STAT. tit. 59, § 1310(A)(22), 1314(B), and OKLA. ADMIN. CODE. 365:25-5-36 by failing to report the above referenced bonds on her December 2007 monthly surety report and her January 2008 monthly surety report.

ORDER

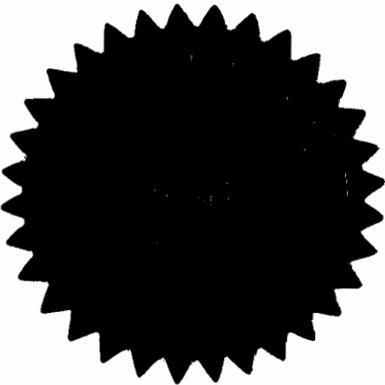
1. IT IS THEREFORE ORDERED that Respondent is fined in the amount of **Five Hundred and No/100 Dollars (\$500.00)**.

2. IT IS FURTHER ORDERED that Respondent is assessed costs in the amount of **Seventy-five and No/100 Dollars (\$75.00)**.

3. IT IS FURTHER ORDERED that the fine and costs are to be paid within thirty (30) days from the date of the hearing. If the fine and costs are not paid by the time allowed, Respondent's license will be suspended and will remain suspended until the fine and costs are paid in full.

WITNESS My Hand and Official Seal this 22nd day of May, 2008.

KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Leamon Freeman

LEAMON FREEMAN
Hearing Examiner
Post Office Box 53408
Oklahoma City, Oklahoma 73152-3408

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 22 day of May, 2008, to:

Tuesday Stepp
418 W. Beech
Durant, Oklahoma 74701-4307

and that a copy was delivered to:

Oklahoma Insurance Department
Bail Bond Division

Sandra G. LaVenue

SANDRA G. LAVENUE
Assistant General Counsel