BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

FILED

SEP 12 2008

INSURANCE COMMISSIONER OKLAHOMA

STATE OF OKLAHOMA, ex rel. KIM HOLLAND, Insurance Commissioner, Petitioner,	)	
v.	)	Case No. 08-0425-DIS
SENECA INSURANCE COMPANY, a licensed Surety in the State of Oklahoma, and BRUCE HANCOCK, a licensed Bail Bondsman in the State of Oklahoma, Respondent.	)	

ADMINISTRATIVE ORDER

ON THE 20th day of August, 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 Bruce Hancock (hereafter "Respondent") appeared in Petitioner's lobby at or about 9:15 o'clock a.m. Shortly after his arrival, he left at or about 9:20 o'clock a.m. Respondent was 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 800290/199958. Respondent's license was suspended on or about July 9, 2007.

FINDINGS OF FACT

1. That on or about July 7, 2008, Petitioner through her attorney, caused to be mailed a *Second Notice of Hearing and Order to Show Cause* to Respondent at his address of record.

2. That the July 7, 2008, *Second Notice of Hearing and Order to Show Cause* contained statements of jurisdiction, allegations of fact, alleged violations of law and an order setting the proceedings for August 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 July 7, 2008, *Second Notice of Hearing and Order to Show Cause* was mailed to Respondent by regular first class mail and certified mail return receipt requested, article number 7001 0320 0004 4473 0975, to the last address of record Respondent filed with Petitioner, 4801 N. Classen, Suite 118, Oklahoma City, Oklahoma 73118. The PS Form 3811 was signed by Respondent on July 15, 2008, and returned to Petitioner on July 18, 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.

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

6. Due to Respondent's appearance at 9:15 o'clock a.m. and his departure at 9:20 o'clock a.m., his signature on the PS Form 3811, and his failure to appear at the time the case was called of hearing, he is found in default. As a result, the Allegations of Fact as listed in the July 8, 2008, *Second Notice of Hearing and Order to Show Cause* are deemed to be true and correct. They are as follows:

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

Defendant:	Chester Holloway
Case Number:	CM-2007-3600

City/County:	Oklahoma County
Bondsman:	Bruce Hancock
Insurer:	Seneca Insurance Company
Power Number:	S05-01256803
Bond Amount:	$5,000.00

b. On or about December 3, 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.

7. The forfeiture was paid on April 28, 2008.

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 Respondent is a licensed bail bondsman in the State of Oklahoma, pursuant to OKLA. STAT. tit. 59, §§ 1301-1340, as amended.

3. 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).

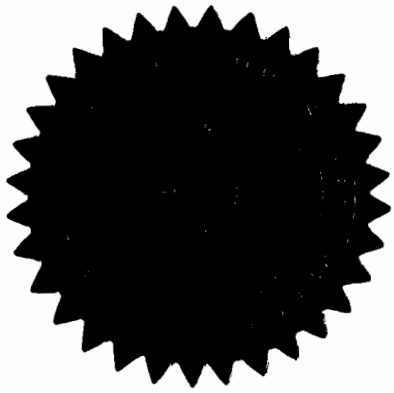
5. Due to Respondent's failure to appear, he is found in default. As a result, the Alleged Violations of Law as listed in the July 7, 2008, *Second Notice of Hearing and Order to Show Cause* are deemed to be true and correct. Therefore, Respondent has violated OKLA. STAT. tit. 59, § 1332(D) by failing 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's license is **REVOKED** and he is hereby fined in the amount of **One Thousand and No/100 Dollars ($1,000.00)** and assessed costs in the amount of **One Hundred and No/100 Dollars ($100.00).** Fine and costs are to be paid immediately.

WITNESS My Hand and Official Seal this 20th day of August, 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 12 day of Sept, 2008, to:

Bruce Hancock
4801 N. Classen, Suite 118
Oklahoma City, Oklahoma 73118

and that a copy was mailed to:

Patricia Presley
Oklahoma County Court Clerk
320 Robert S. Kerr
Oklahoma City, Oklahoma 73102

and that a copy was delivered via electronic mail to:

Robert H. Noll, Director
Bail Bond Division

SANDRA G. LAVENUE
Assistant General Counsel