

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

SEP 26 2008

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel)
KIM HOLLAND,)
Insurance Commissioner,)
Petitioner,)
vs.)
ANN KETRON,)
a licensed bail bondsman in the)
State of Oklahoma,)
Respondent.)

CASE NO. 08-0449-DIS

ORDER

This above entitle cause came on for hearing on June 25, 2008. Petitioner appeared by and through Assistant General Counsel, Sandra G. LaVenue, Esq., and Respondent appeared in person and by her attorney of record Jeff Eulberg, Esq. The Parties completed their Presentations during which the Hearing Examiner received the testimony of witnesses examined on the record under oath, received and reviewed documentary evidence admitted on the record, accepted the stipulation of the Parties, and heard the arguments of Counsel. The Hearing Examiner then requested the Parties to submit Post Hearing Briefs on or before July 15, 2008. The Briefs were received, reviewed and the Hearing was then closed.

Being fully advised in the premises and on the basis of clear and convincing evidence, the Hearing Examiner enters the following:

FINDINGS OF FACT

1. This proceeding was commenced by a Notice of Hearing and Order to Show Cause issued on April 8th, 2008, and filed by the Petitioner on April 9th 2008, and served upon the Respondent.

2. The 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 May 8th, 2008, at 1:30 p.m. at the office of the Insurance Commissioner, 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

3. On May 2nd, 2008, a Subpoena Duces Tecum was issued by Petitioner requiring the appearance of Angela Dawn Smith at the hearing in this matter scheduled May 8th, 2008, and this Subpoena was served on Angela Dawn Smith on May 5th, 2008, by Certified Mail.

4. On May 5th, 2008, Petitioner issued, filed and served on Respondent an Amended Notice of Hearing and Order to Show Cause.

5. The Amended 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 May 8th, 2008, at 1:30 p.m. at the office of the Insurance Commissioner, 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

6. On May 12th, 2008, Jeff Eulberg, Esq., filed an Entry of Appearance as attorney for Respondent.

7. On May 12th, 2008, Petitioner issued and filed a Second Amended Notice of Hearing and Order to Show Cause. This was served on Respondent's attorney pursuant to the Entry of Appearance filed May 12th, 2008.

8. The Second Amended 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 May 27th, 2008, at 10:30 a.m. at the office of the Insurance Commissioner, 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

9. On May 19th, 2008, Jeff Eulberg, Esq., filed an Entry of Appearance as attorney for Respondent.

10. On May 19th, 2008, a Subpoena Duces Tecum was issued by Petitioner requiring the appearance of Angela Dawn Smith at the hearing in this matter scheduled May 27th, 2008, and this Subpoena was served on Angela Dawn Smith on May 22nd, 2008, by Certified Mail.

11. The Parties agreed to a continuance of the hearing from May 27th, 2008, to June 11th, 2008.

12. On June 6th, 2008, a Continuance was filed setting the matter for June 25th, 2008, at 10:30 a.m. at the office of the Insurance Commissioner, 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

13. The Insurance Commissioner appointed Leslie L. Conner, Jr. to hear the case as an Independent Hearing Examiner who conducted the hearing and enters these findings, conclusions and Order.

14. The hearing was recorded electronically by employees of the Oklahoma Insurance Commissioner.

15. Both Parties attended the hearing, presented the sworn testimony of witnesses, documents, entered into a stipulation, and made arguments to the Hearing Examiner and acknowledged on the record they had nothing further to offer.

16. On or about December 22, 1981 Respondent married Dustin P. Ketron in Harper County.

17. On or about May 17th, 1982, Dustin P. Ketron was sentenced on his plea of guilty, to the felony of Burglary in the Second Degree in Harper County, Oklahoma. (Joint Exhibit 1).

18. Respondent divorced Dustin P. Ketron in Ohio in 1991.

19. Since 1992, Respondent and Dustin Ketron have continuously lived together and Respondent has maintained the name Ann Ketron

20. Respondent is a licensed Bail Bondsmen in Oklahoma. (Petitioner Ex 2&3).

21. Respondent earns money in her bail bond business writing bonds.

22. Dustin Ketron currently works as a bounty hunter for Respondent. (Petitioner Ex 2&3).

23. Respondent purchases equipment for Dustin Ketron and pays him small amounts of cash from Respondent's Bailbond business.

24. Dustin Ketron uses the equipment purchased for him from Respondent's Bail Bond business to assist Respondent's business returning clients to custody. (Petitioner Ex 2&3).

25. The Respondent and Dustin Ketron, together with their daughter, occupy a residence owned, one-half ($\frac{1}{2}$) by each,.

26. Respondent pays property taxes on the residence and all living expenses for the household.

27. Respondent has represented to others that she lives "in common law" with Dustin Ketron, has signed affidavits in legal matters (corrected after being served with the first notice of this proceeding) stating Dustin Ketron is her Husband, and wears a ring on her ring finger of her left hand.

28. Respondent's expenses for her bail bond business have not exceeded the income from her bail bond business.

29. Dustin Ketron receives a direct benefit from Respondent' execution of bail bonds.

30. Dustin Ketron receives an indirect benefit from Respondent' execution of bail bonds.

RULINGS ON PETITIONER'S AND RESPONDENT'S

PROPOSED FINDINGS OF FACT

Both parties submitted Proposed Findings of Fact. In accordance with 75 O.S. § 312 A. 2.the following are the rulings on each Proposed Findings of Fact of each party. There is no statutory requirement or agency rule requiring rulings on Proposed Conclusions of Law.

Petitioner's proposed Findings Of Fact were filed herein on July 15, 2008, and the following are the rulings on each. Numbers refer to Petitioner's paragraph numbers:

1. Accepted and adopted.
2. Substance accepted and adopted.
3. Accepted and adopted.
4. Substance accepted and adopted.
5. Substance accepted and adopted.
6. Not necessary to the proposed order, accepted but not adopted.
7. Not necessary to the proposed order, accepted but not adopted.

8. Not necessary to the proposed order.
9. Not necessary to the proposed order, accepted but not adopted.
10. Substance accepted and adopted.
11. Substance accepted and adopted.
12. Substance accepted and adopted.
13. Not necessary to the proposed order, accepted but not adopted.
14. Substance accepted and adopted .
15. Substance accepted and adopted.
16. Substance accepted and adopted.
17. Substance accepted and adopted.
18. Substance accepted and adopted.
19. Substance accepted and adopted.
20. Substance accepted and adopted.
21. Substance accepted and adopted.
22. Substance accepted and adopted .
23. Substance accepted and adopted.
24. Substance Accepted and adopted.

Respondent's proposed Findings of Fact were filed herein on June 25, 2008, and the following are the rulings on each. Numbers refer to Respondent's paragraph numbers:

1. Substance accepted and adopted.
2. Substance accepted and adopted in FOF #3.
3. Substance accepted and adopted.
4. Not accepted or adopted.
5. Accepted but not adopted.
6. Not accepted or adopted.
7. Not accepted or adopted.

CONCLUSIONS OF LAW

The following Conclusions of Law are based upon the above Findings of Fact which have been proven by clear and convincing evidence:

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 et seq., as amended, and Okla. Stat. tit. 59, §§ 1301 et seq. as amended.

2. The Commissioner has jurisdiction to conduct this hearing as Respondent is licensed bail bondsmen pursuant to Okla. Stat. tit. 59, §§ 1301 et seq., 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 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. The Parties were each given ample opportunity to present their relevant evidence to the Hearing Examiner in a hearing conducted lawfully and fairly, all in accordance with due process of law and the applicable constitutions, statutes and regulations.

6. Convicted Felon Dustin Ketron is a member of the prohibited class of persons who cannot directly or indirectly receive benefits from the execution of the writing of a bail bond. Okla. Stat. tit. 59, 1315(A).

7. Respondent has violated Okla. Stat. tit. 59, § 1315(A) and this violation continues to occur as long as the Respondent is licensed to write bail bonds.

8. The Petitioner has not shown by clear and convincing evidence that Respondent is married by common law to Dustin Ketron, a convicted felon.

ORDER

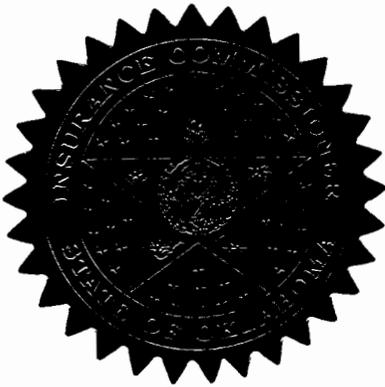
1. IT IS THEREFORE ORDERED that Respondent's bail bondsman license is revoked immediately.

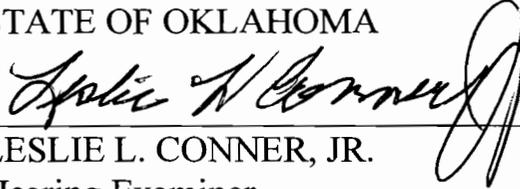
2. The Respondent shall surrender her bail bondsman license to the Oklahoma Insurance Department Bail Bond Division immediately.

3. The costs of this hearing in the amount of One Thousand Dollars (\$1,000.00) are assessed against the Respondent pursuant to Okla. Stat. tit. 59, § 1311(F).

WITNESS My Hand and Official Seal this 5th day of September, 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

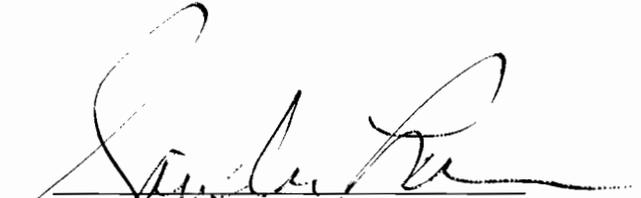
CERTIFICATE OF MAILING

I, Sandra G. LaVenue, hereby certify that a true and correct copy of the above and foregoing Order was mailed postage prepaid via regular mail and certified mail/return receipt requested and sent via facsimile on this 26th day of Sept. 2008, to:

Jeff Eulberg, Esq.
925 NW 6th Street
Oklahoma City, Oklahoma 73106
Attorney for Respondent
(405) 232-3464 Fax

and that a copy was delivered by electronic mail to:

Robert H. Noll, Director
Bail Bond Division



SANDRA G. LAVENUE
Assistant General Counsel