

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

AUG 20 2008

STATE of OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
Petitioner,)
v.) Case No. 08-0523-DIS
EVELYN BRANCHEAU, a licensed Bail)
Bondsman in the State of Oklahoma,)
Respondent.)

INSURANCE COMMISSIONER
OKLAHOMA

ADMINISTRATIVE ORDER

ON THE 4th day of June, 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 Evelyn Brancheau (hereafter Respondent) failed to appear and failed to have counsel present 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 Respondents 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 029389.

FINDINGS OF FACT

1. That on or about April 30, 2008, Petitioner, through her attorney, caused to be mailed a *Notice of Hearing and Order to Show Cause* to Respondents 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 the proceedings for June 4, 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. Respondent failed to appear when her name was called.

6. Due to Respondent's failure to appear, she is found in default. As a result, the Allegations of Fact as listed in the April 30, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. They are as follows:

1. Respondent failed to file her February 2008 monthly cash report and her February 2008 monthly Simplified Surety report by March 17, 2008.

2. As of the date of this Notice, said reports have not been filed.

7. Respondent's action in failing to timely file her February 2008 monthly cash report and her February 2008 monthly Simplified Surety report is a violation of OKLA. STAT. tit. 59, § 1310(A)(22), 1314(B), and OKLA. ADMIN. CODE. 365:25-5-36.

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 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. Due to Respondent's failure to appear, she is found in default. As a result, the Alleged Violation of Law as listed in the April 30, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. It is as follows:

1. Respondent has violated OKLA. STAT. tit. 59, § 1310(A)(22), 1314(B), and OKLA. ADMIN. CODE 365:25-5-36 by failing to timely file her February 2008 monthly cash report and her February 2008 monthly simplified surety report.

6. The conduct of Respondent in her failure to timely file February 2008 monthly cash report and her February 2008 monthly simplified surety report is a violation of OKLA. STAT. tit. 59, § 1310(A)(22), 1314(B), and OKLA. ADMIN. CODE 365:25-5-36.

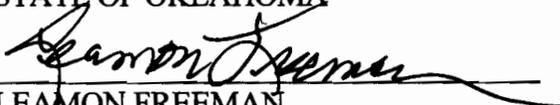
ORDER

1. IT IS THEREFORE ORDERED that Respondent is hereby fined in the amount of One Hundred and No/100 Dollars (\$100.00).

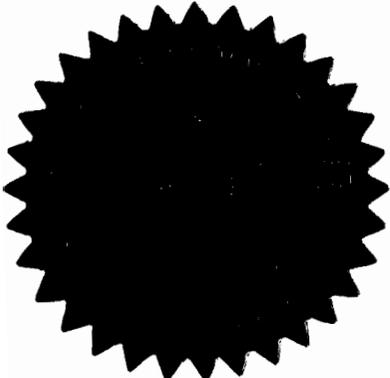
2. IT IS FURTHER ORDERED that Respondent is assessed costs of the hearing in the amount of Fifty and No/100 Dollars (\$50.00).

3. The fine and costs are to be paid within thirty (30) days from receipt of this Order. If Respondent fails to pay the fine and costs within thirty (30) days, her license will be suspended and will remain suspended until the fine and costs are paid in full.

KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



LEAMON FREEMAN
Hearing Examiner
Post Office Box 53408
Oklahoma City, Oklahoma 73152-3408
(405) 521-2746



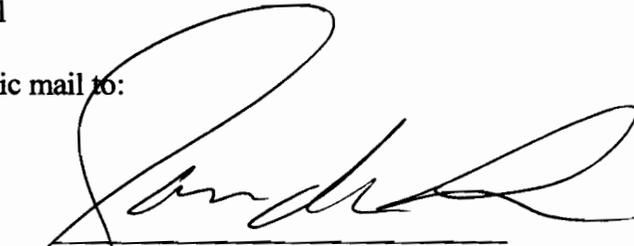
CERTIFICATE OF MAILING

I, Sandra G. LaVenu, 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 10 day of August, 2008, to:

Evelyn Brancheau
407 W. 1st Street
Claremore, Oklahoma 74017-7801

and that a copy was delivered via electronic mail to:

Robert Noll, Director
Bail Bond Division



SANDRA G. LAVENUE
Assistant General Counsel