

FINDINGS OF FACT

1. That on or about June 17, 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 the proceedings for July 9, 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. The June 17, 2008, *Notice of Hearing and Order to Show Cause* was mailed to Respondent by certified mail, return receipt requested, article number 7001 0320 0004 4473 0494 and 7001 0320 0004 4473 0463, and by regular mail. Latisha Hamilton signed both PS Forms 3811 on June 19, 2008. In addition, the regular mail was not returned to Petitioner. Therefore, the Hearing Examiner determined service was proper.

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. Respondent failed to appear when her name was called.

7. Due to Respondent's failure to appear, she is found in default. As a result, the Allegations of Fact as listed in the June 17, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. They are as follows:

A. Respondent failed to file her March 2008 Roche Surety & Casualty Company, Inc. monthly surety report by April 15, 2008.

B. Respondent failed to file her April 2008 Roche Surety & Casualty Company, Inc. monthly surety report by May 15, 2008.

C. As of the date of this Notice, said reports have not been received by Petitioner.

D. On or about March 27, 2008, Petitioner issued a Notice of Violation regarding Respondent's February 2008 Safety National Casualty Corporation surety report. Respondent was instructed to review and correct her beginning liability, attach a discharge page, update the discharge total and the total remaining outstanding liability amount and have the report notarized. Respondent was instructed to respond to the letter by April 15, 2008.

E. On or about April 7, 2008, Petitioner issued a Notice of Violation regarding Respondent's February 2008 Safety National Casualty Corporation surety report. Respondent was instructed to review and correct her beginning liability, attach a discharge page, update the discharge total and the total remaining outstanding liability amount and have the report notarized. Respondent was instructed to respond to the letter by April 21, 2008. In addition, said letter was mailed to Respondent via certified mail number 7001 0320 0004 2328 3782.

F. The April 7, 2008, Notice of Violation was returned to petitioner marked "Unclaimed."

G. On or about April 15, 2008, Petitioner issued a Notice of Violation letter regarding Respondent's failure to report two bonds. The first bond was referenced as Tulsa County District Court Case Number CF-2008-790, State v. Tony Lee Fryer for Ten Thousand and No/100 Dollars (\$10,000.00). The second bond was referenced as Tulsa County District Court Case Number CF-2008-1195, State v. Yancy M. Reid for Two Thousand Five Hundred and No/100 Dollars (\$2,500.00). Said letter was mailed to Respondent via regular mail and certified mail number 7001 0320 0004 2328 3874.

H. Said Notice of Violation letter was returned to Petitioner marked "unclaimed."

I. On or about April 25, 2008, Petitioner issued a Notice of Violation 2nd and final letter to Respondent. Said letter stated that she needed to remit reviewal fees in the amount of Six Dollars and 26/100 (\$6.26) for her February 2008 Safety National Casualty Corporation report. In addition, she was informed that she needed to provide the missing information in the highlighted "security or collateral received" areas and return all 5 bonds written pages to the Oklahoma Insurance Department. Respondent was to remit the unpaid reviewal fees and provide the additional information by May 15, 2008. Said letter was mailed to Respondent via regular mail and certified mail, return receipt requested, number 7001 0320 0004 2328 2655.

J. Said Notice of Violation 2nd and final letter was signed for by Respondent on April 28, 2008.

K. As of the date of this Notice, Respondent has not responded to the March 27, 2008; April 7, 2008; April 15, 2008; and April 25, 2008 letters.

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 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 them 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 June 17, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. They are as follows:

A. 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 March 2008 and April 2008 Roche Surety & Casualty Company, Inc. monthly surety report.

B. Respondent has violated OKLA. STAT. tit. 59, § 1314(B)(1) by failing to notarize her February 2008 Roche Surety & Casualty Company, Inc. monthly surety report.

C. Respondent has violated OKLA. STAT. tit. 59, § 1310(A)(22), 1314(B), by

failing to report the bonds on Tony Lee Fryer and Yancy M. Reid on her February 2007 monthly surety report.

D. Respondent has violated OKLA. STAT. tit. 59, § 1314(D) by failing to pay the correct renewal fee for her February 2008 Safety National Casualty Corporation monthly surety report.

E. Respondent has violated OKLA. STAT. tit. 59, § 1314(A) by failing to list the security/collateral received on her bonds written page.

F. Respondent's failure to pick up her certified mail is a violation of OKLA. STAT. tit. 59, § 1310(A)(21) in that she failed to notify the Petitioner of an address change within five (5) days of the change.

G. Respondent has violated OKLA. STAT. tit. 59, § 1310(A)(21) in failing to respond to the April 25, 2008 letter, which she received as per the PS Form 3811 (Green Card) on April 28, 2008.

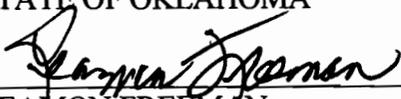
ORDER

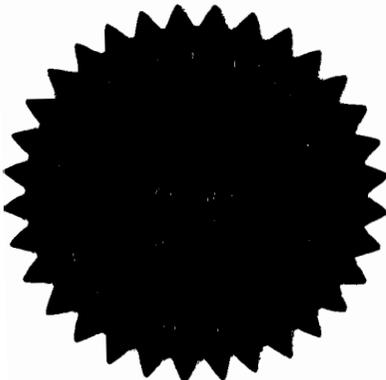
1. IT IS THEREFORE ORDERED that Respondent is hereby fined in the amount of Five Hundred and No/100 Dollars (\$500.00).

2. IT IS FURTHER ORDERED that Respondent is assessed costs of the hearing in the amount of One Hundred and No/100 Dollars (\$100.00).

3. IT IS FURTHER ORDERED that Respondent's license is **suspended instantler**. The suspension will only be lifted once the fine and costs have been paid in full and Respondent is in compliance with all the Petitioner's rules and regulations.

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 30 day of July, 2008, to:

Ayesha Jenkins
513 N. Irving Ave.
Tulsa, Oklahoma 74115-7700

and that a copy was mailed to:

Sally Howe-Smith
Tulsa County Court Clerk
500 S. Denver, Room 200
Tulsa, Oklahoma 74103

Safety National Casualty Company
Bail Bond Division
2043 Woodland Parkway, Suite #200
St. Louis, Missouri 63146

Raymond Merrill
107 E. Creek
Sallisaw, Oklahoma 74955-4652

and that a copy was delivered via electronic mail to:

Robert Noll, Director
Bail Bond Division



SANDRA G. LAVENUE
Assistant General Counsel