

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

JUL 30 2008

STATE of OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
Petitioner,)
v.)
CHERYL JOHNSON, a licensed Bail Bondsman)
in the State of Oklahoma,)
Respondent.)

Case No. 08-0887-DIS

INSURANCE COMMISSIONER
OKLAHOMA

ADMINISTRATIVE ORDER

ON THE 9th day of July, 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 Cheryl Johnson (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 800854/97000.

FINDINGS OF FACT

1. That on or about June 23, 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. That the June 23, 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 0678, and by regular mail. The PS Form 3811 was not returned to Petitioner. In addition, the regular mail was not returned to Petitioner. Therefore, service upon Respondent was proper.

4. That the Insurance Commissioner appointed Leamon Freeman 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 23, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. They are as follows:

A. That on or about May 7, 2008, Petitioner mailed correspondence to Respondent regarding her March 2008 Safety National Casualty Corporation monthly surety report. Said letter was mailed to Respondent via regular and certified mail, return receipt requested, article number 7001 0320 0004 2328 3034. Said certified mail was returned to Petitioner marked "Return to Sender, Unclaimed, Unable to Forward."

B. Said correspondence stated that Respondent needed to begin her total remaining outstanding liability to \$39,400.00 for her April 2008 Safety National Casualty Corporation. In addition, it stated that Petitioner's records did not reflect the bond written in Oklahoma County District Court Case Number CF-2007-2340, State v. Jessica Stillwell on May 11, 2007, for Four Thousand and No/100 Dollars (\$4,000.00) was reported. Therefore, Respondent's attempt to discharge the bond was not permitted. Furthermore, Respondent was instructed to report the Stillwell bond on her April 2008 Safety National Casualty Corporation monthly surety report. She was instructed to respond to the May 7, 2008, correspondence by May 26, 2008.

C. As of the date of this notice, the bond has not been reported and Respondent has failed to respond to the May 7, 2008, correspondence.

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 June 23, 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 report the bond written on Jessica Stillwell in Oklahoma County District Court Case Number CF-2007-2340.

B. Respondent has violated OKLA. STAT. tit. 59, § 1310(A)(21) by failing to respond to a properly addressed notification of the Commissioner

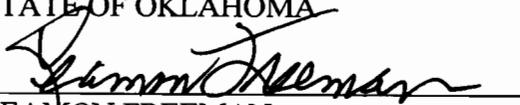
ORDER

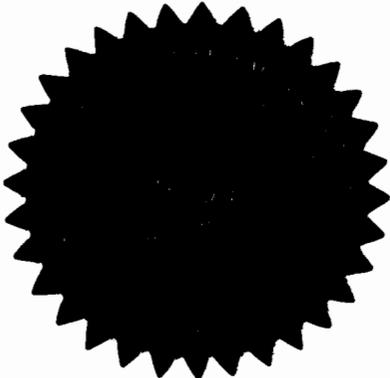
1. IT IS THEREFORE ORDERED that Respondent is hereby fined in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00).

2. IT IS FURTHER ORDERED that Respondent is assessed costs of the hearing in the amount of One Hundred Fifty and No/100 Dollars (\$150.00).

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



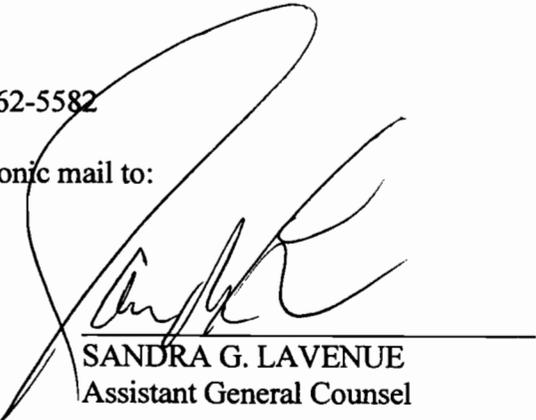
CERTIFICATE OF MAILING

I, Sandra G. 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:

Cheryl Johnson
7716 Wegner Way
Oklahoma City, Oklahoma 73162-5582

and that a copy was delivered via electronic mail to:

Robert Noll, Director
Bail Bond Division



SANDRA G. LAVENUE
Assistant General Counsel