

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

JUL 30 2008

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

INSURANCE COMMISSIONER
OKLAHOMA

Case No. 08-0897-DIS

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 Monta Davis (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 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 803105/199696.

FINDINGS OF FACT

1. That on or about June 20, 2008, Petitioner, through her attorney, caused to be mailed a *Notice of Hearing and Order to Show Cause* to Respondent at his 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 20, 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 0593 and by regular mail. The PS Form 3811 was not returned to Petitioner verifying receipt by Respondent. However, the regular mail was not returned to Petitioner, thus indicating receipt by Respondent. 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 his name was called.

7. Due to Respondent's failure to appear, he is found in default. As a result, the Allegations of Fact as listed in the June 20, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. It is as follows:

A. Respondent failed to file his April 2008 monthly cash report, his April 2008 Safety National Casualty Corporation monthly surety report and his April 2008 United States Fire Insurance Company monthly surety report by May 15, 2008.

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

8. Respondent's action in failing to timely file his April 2008 monthly cash report, his April 2008 Safety National Casualty Corporation monthly surety report and his April 2008 United States Fire Insurance Company monthly 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 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, he is found in default. As a result, the Alleged Violation of Law as listed in the June 20, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. It is 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 his April 2008 monthly cash report, his April 2008 Safety National Casualty Corporation monthly surety report and his April 2008 United States Fire Insurance Company monthly surety report.

6. The conduct of Respondent in his failure to timely file his April monthly cash report, his April 2008 Safety National Casualty Corporation monthly surety report and his April 2008 United States Fire Insurance Company monthly surety report is a violation of OKLA. STAT. tit. 59, § 1310(A)(22), 1314(B), and OKLA. ADMIN. CODE 365:25-5-36.

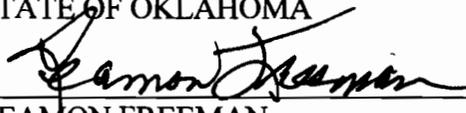
ORDER

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

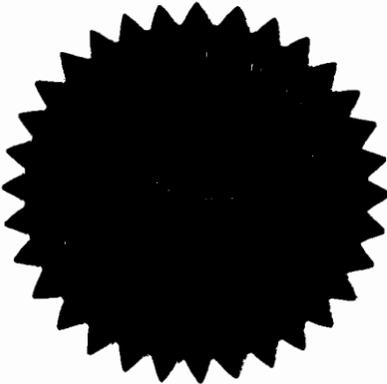
2. IT IS FURTHER ORDERED that Respondent is assessed costs of the hearing in the amount of Fifty and No/100 Dollars (\$50.00).

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, his 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



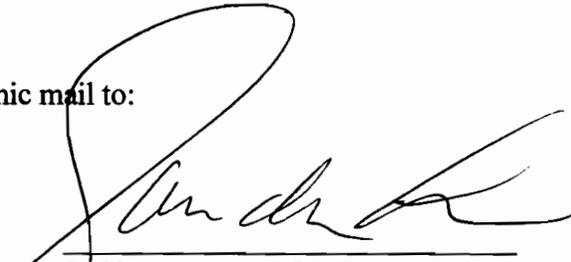
CERTIFICATE OF MAILING

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 30 day of July, 2008, to:

Monta Davis
Post Office Box 309
Pauls Valley, Oklahoma 73075

and that a copy was delivered via electronic mail to:

Robert Noll, Director
Bail Bond Division



SANDRA G. LAVENUE
Assistant General Counsel