



Order, has a professional deposit with Petitioner in the amount of Forty-eight Thousand Seven Hundred (\$48,700.00).

3. Mayton is a licensed bail bondsman in the State of Oklahoma holding license number 804027/199760.

### **FINDINGS OF FACT**

1. That on or about July 18, 2008, Petitioner through her attorney, caused to be mailed a *Notice of Hearing and Order to Show Cause* to Respondents at their addresses of record.

2. That the July 18, 2008, *Notice of Hearing and Order to Show Cause* contained statements of jurisdiction, allegations of fact, alleged violations of law and an order setting each the proceedings for August 20, 2007, at 9:30 a.m. at the office of the Insurance Commissioner, 2401 N.W. 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

3. The July 18, 2008, *Notice of Hearing and Order to Show Cause* was mailed to Brewster by regular first class mail and certified mail return receipt requested, article number 7001 0320 0004 0178 8995, to the last address of record Brewster filed with Petitioner: 4316 Oxford Way, Norman, Oklahoma 73072-3157. The PS Form 3811 was signed by Jerry Collier on July 22, 2008, and returned to Petitioner on July 25, 2008.

4. The July, 2008 *Notice of Hearing and Order to Show Cause* was mailed to Mayton by regular mail and certified mail return receipt requested, article number 7001 0320 0004 0178 8988, to her address of record: 14564 County Road 3582, Ada, Oklahoma 74820-5304. The certified mail was returned to Petitioner on August 19, 2008 marked "Return to Sender, Unclaimed, Unable to Forward" by the United States Postal Service (USPS). However, the regular mail was not returned. Therefore, service upon Mayton is perfected.

5. That the Insurance Commissioner appointed Leamon Freeman to hear the case as the independent Hearing Examiner and he entered these findings and conclusions.

6. The Hearing was recorded electronically by employees of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

7. Due to Mayton's failure to appear, she is found in default. As a result, the Allegations of Fact as listed in the July 18, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. They are as follows:

a. On or about January 13, 2005, an appearance bond was issued as follows:

Defendant:	Troy Wray
Case Number:	CM-2005-40
City/County:	Pontotoc County
Bondsman:	Melodie Mayton
Insurer:	Alice Lorene Brewster
Power Number:	248
Bond Amount:	\$300.00

b. On or about February 1, 2005, the bond was forfeited and an Order and Judgment of Forfeiture was issued.

c. The Defendant was not returned to custody within ninety (90) days nor was the forfeiture paid within ninety-one (91) days.

8. The forfeiture has yet to be paid.

9. Mayton's actions in failing to deposit cash or other valuable securities in the face amount of the bond with the Court Clerk ninety-one (91) days from receipt or mailing of the Order and Judgment of Forfeiture from the Court Clerk is a violation of OKLA. STAT. tit. 59, § 1332.

#### **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 Brewster was a licensed bail bondsman in the State of Oklahoma and Petitioner retains custody of her professional deposit until all outstanding liability is extinguished, pursuant to OKLA. STAT. tit. 59, § 1306(A)(5). Furthermore, Mayton is a licensed bail bondsman in the State of Oklahoma, pursuant to OKLA. STAT. tit. 59, §§ 1301-1340, as amended.

3. Mayton was provided lawful service and adequate notice of the time and place of the hearing and was sufficiently advised of the allegations 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. Pursuant to OKLA. STAT. tit. 59, § 1306(A)(5) and (B), Petitioner retains possession of Brewster's professional deposit until such time as all outstanding liability is extinguished. Pursuant to OKLA. STAT. tit. 59, § 1332(D)(4), Petitioner may withdraw the face amount of any outstanding bond forfeiture from Brewster's professional deposit upon receipt of an Order and Judgment of Forfeiture from the district court.

6. Due to Mayton's failure to appear, she is found in default. As a result, the Alleged Violations of Law as listed in the July 18, 2008, *Notice of Hearing and Order to Show Cause* are deemed to be true and correct. Mayton has violated OKLA. STAT. tit. 59, § 1332(D) by failing to deposit cash or other valuable securities in the face amount of the bond with the Court Clerk ninety-one (91) days from receipt or mailing of the Order and Judgment of Forfeiture from the Court Clerk.

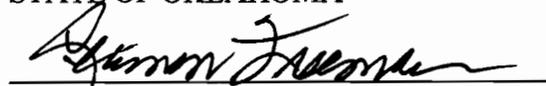
**ORDER**

1. IT IS THEREFORE ORDERED that Petitioner is ordered to withdrawn the amount of the bond forfeiture, Three Hundred and No/100 Dollars (\$300.00) from Brewster's professional deposit. Pursuant to OKLA. STAT. tit. 59, § 1332(D)(4)(b), Petitioner is ordered to forward payment to the Pontotoc County District Court Clerk for payment of the bond forfeiture in Case Number CM-2005-40.

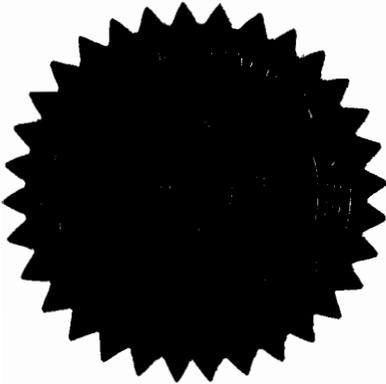
2. IT IS FURTHER ORDERED that Mayton is hereby fined in the amount of **One Hundred and No/100 Dollars (\$100.00)** and assessed costs in the amount of **Fifty and No/100 Dollars (\$50.00)**. Fine and costs are to be paid by September 30, 2008 or her license will not be renewed.

WITNESS My Hand and Official Seal this 20<sup>th</sup> day of August, 2008.

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 12 day of Sept, 2008, to:

The Estate of Alice Lorene Brewster  
4316 Oxford Way  
Norman, Oklahoma 73072-3157

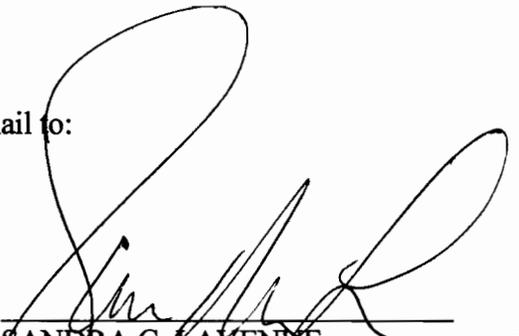
Melodie Mayton  
14564 County Road 3582  
Ada, Oklahoma 74820-5304

and that a copy was mailed to:

Ernestine Eubank  
Pontotoc County Court Clerk  
Post Office Box 427  
Ada, Oklahoma 74820

and that a copy was delivered via electronic mail to:

Robert H. Noll, Director  
Bail Bond Division



~~SANDRA G. LAVENUE~~  
Assistant General Counsel