

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

DEC 15 2008

STATE of OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
Petitioner,)
v.) Case No. 08-1053-DIS
DENISE BOWLINE-KIMREY, a licensed Bail)
Bondsman in the State of Oklahoma,)
and)
Respondent.)

INSURANCE COMMISSIONER
OKLAHOMA

ADMINISTRATIVE ORDER

ON THE 17th day of September, 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 Denise Bowline-Kimrey (hereafter Respondent) appeared in person and without counsel 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 800617/199849.

FINDINGS OF FACT

1. That on or about August 1, 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 September 17, 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. Both parties agreed to stipulate to the following facts:

a. On or about February 11, 2008, an appearance bond was issued as follows:

Defendant:	Timothy Logman
Case Number:	CF-2004-3880
City/County:	Tulsa County
Bondsman:	Denise Bowline-Kimrey
Insurer:	Denise Bowline-Kimrey
Power Number:	N/A
Bond Amount:	\$3,000.00

b. On or about March 24, 2007, 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.

7. The Ninety-first (91st) day after the issuance of the Order and Judgment of Forfeiture was June 26, 2008.

8. The forfeiture was untimely paid on June 27, 2008.

8. Respondent admitted to miscalculating the date the bond forfeiture was due. Therefore, Respondent'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 is a violation of Okla. Stat. tit. 59, § 1332(D).

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 him 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).

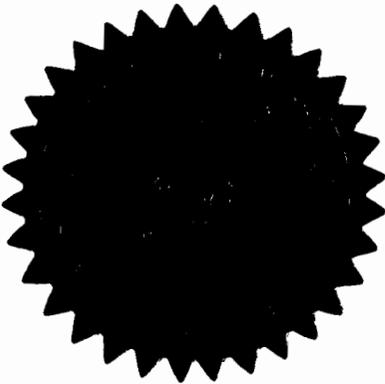
5. Respondent has violated OKLA. STAT. tit. 59, § 1332 by failing to deposit cash or other valuable securities in the face amount of the bonds with the Court Clerk ninety-one (91) days from receipt or mailing of the Orders and Judgments of Forfeiture.

ORDER

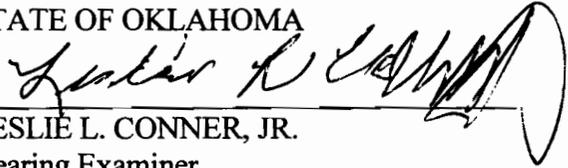
1. IT IS THEREFORE ORDERED that Respondent is hereby fined in the amount of One Hundred and No/100 Dollars (\$100.00).

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


LESLIE L. CONNER, JR.
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 15 day of December, 2008, to:

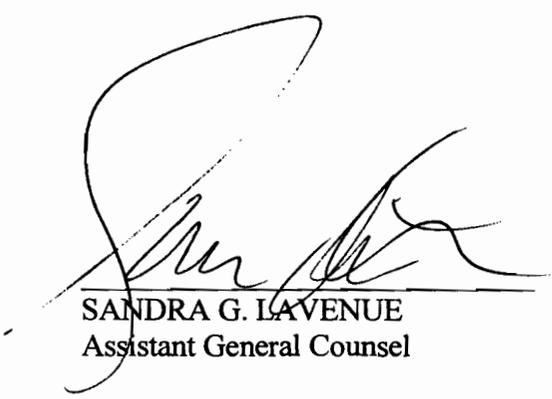
Denise Bowline-Kimrey
Post Office Box 2422
Bartlesville, Oklahoma 74005-2422

and that a copy was mailed to:

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

and that a copy was delivered to:

Robert Noll, Director
Bail Bond Division



SANDRA G. LAVENUE
Assistant General Counsel