

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

DEC 15 2008

INSURANCE COMMISSIONER
OKLAHOMA

STATE of OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
Petitioner,)
v.) Case No. 08-1206-DIS
ROCHE SURETY & CASUALTY COMPANY,)
INC., a licensed Surety in the State of Oklahoma,)
and)
LEE ANN COOPER, a licensed Bail Bondsman)
in the State of Oklahoma,)
Respondent.)

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 Roche Surety & Casualty Company, Inc. (hereinafter Roche) failed to appear in person and did not have counsel present on its behalf and Respondent Lee Ann Cooper (hereinafter Cooper) appeared in person, 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. Roche Surety & Casualty Company, Inc. is a licensed surety in the State of Oklahoma holding license number 0010.

3. Cooper is a licensed bail bondsman in the State of Oklahoma holding license number 800635/200067.

FINDINGS OF FACT

1. That on or about August 27, 2008, Petitioner, through her attorney, caused to be mailed a *Notice of Hearing and Order to Show Cause* to Respondents at their last known addresses of record.

2. That the August 27, 2008, *Notice of Hearing and Order to Show Cause* each contained the elements 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. The August 27, 2008, *Notice of Hearing and Order to Show Cause* was mailed to Roche certified mail, return receipt requested, article number 7001 0320 0004 0178 7707 on August 27, 2008. In addition, the Notice was also mailed to Roche via regular mail. The Notice was received by Roche on September 2, 2008, and returned to Petitioner on September 8, 2008. Due to the fact that Roche received the August 27, 2008, *Notice of Hearing and Order to Show Cause*, it was determined by the Hearing Examiner, service upon Roche was perfected and the

company failed to appear.

6. Due to Roche's failure to appear for the hearing, the company is found to be in default and as such, the Allegations of Fact as listed in the August 27, 2008, Notice of Hearing and Order to Show Cause are deemed true and correct.

5. Both Petitioner and Cooper agreed to stipulate to the facts as stated in the August 27, 2008, *Notice of Hearing and Order to Show Cause*. They are as follows:

a. On or about August 23, 2007, an appearance bond was issued as follows:

Defendant:	Cindy Torres
Case Number:	CF-2007-764
City/County:	Muskogee County
Bondsman:	Lee Ann Cooper
Insurer:	Roche Surety & Casualty Co., Inc.
Power Number:	AC07-020727
Bond Amount:	\$25,000.00

b. On or about April 11, 2008, 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.

6. The bond forfeiture was untimely paid on August 28, 2008.

7. Due to Roche's failure to appear. It is determined that its 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).

8. Cooper'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 Roche is a licensed surety and Cooper is a licensed bail bondsman pursuant to OKLA. STAT. tit. 59, §§ 1301-1340, as amended.

3. Both Respondents were provided lawful service and adequate notice of the time and place of the hearing and were 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 Roche's failure to appear, the company was found in default. As a result, the Alleged Violations of Law as listed in the August 27, 2008, *Notice of Hearing and Order to Show Cause* are deemed true and correct. Therefore, the company 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.

6. Due to Cooper's stipulation to the facts as listed in the August 27, 2008, *Notice of Hearing and Order to Show Cause*, she 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.

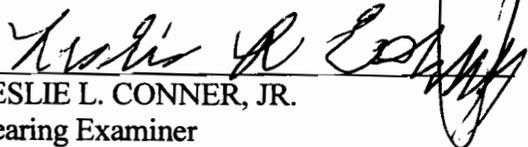
ORDER

1. IT IS THEREFORE ORDERED that both Roche and Cooper are fined jointly and severable in the amount of Three Hundred and No/100 Dollars (\$300.00).

2. IT IS FURTHER ORDERED that Respondents are assessed jointly and severable 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 Roche and Cooper fail to pay the fine and costs within thirty (30) days, their licenses 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:

Roche Surety and Casualty Company, Inc.
1910 Orient Road
Tampa, FL 33619

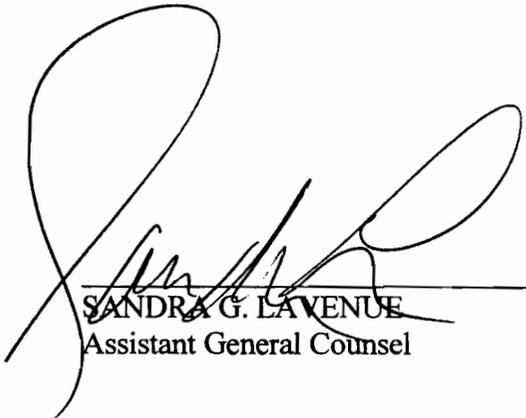
Lee Ann Cooper
216 N. 4th Street
Muskogee, Oklahoma 74401-6638

and that a copy was mailed to:

Paula Sexton
Muskogee County Court Clerk
P.O. Box 1350
Muskogee, Oklahoma 74402

and that a copy was delivered to:

Robert Noll, Director
Bail Bond Division



SANDRA G. LAVENUE
Assistant General Counsel