

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**

OCT 23 2008

INSURANCE COMMISSIONER  
OKLAHOMA

STATE of OKLAHOMA, ex rel. KIM )	)
HOLLAND, Insurance Commissioner, )	)
Petitioner, )	)
v. )	) Case No. 08-1209-DIS
ROD ASHCRAFT, a licensed Bail Bondsman in )	)
the State of Oklahoma, )	)
Respondent. )	)

**ADMINISTRATIVE ORDER**

ON THE 18<sup>th</sup> 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 Rod Ashcraft (hereafter Respondent) failed to appear and failed to have counsel present on his 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 40019260.

## 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 Respondent at his last known address of record.

2. That the *Notice of Hearing and Order to Show Cause* contained statements of jurisdiction, allegations of fact, alleged violations of law and an order setting the proceedings for September 18, 2008, 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. That the August 27, 2008, *Notice of Hearing and Order to Show Cause* was mailed to Respondent by certified mail, return receipt requested, article number 7001 0320 0004 0178 7615 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 Allegation of Fact as listed in the August 27, 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 June 2008 American Surety Company monthly surety report by July 16, 2008.

8. As of the date of the hearing, the report has not been filed.

9. Respondent's action in failing to timely file his June 2008 American Surety Company monthly surety report by July 16, 2008 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 August 27, 2008, *Notice of Hearing and Order to Show Cause* is 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 June 2008 American Surety Company monthly surety report.

6. The conduct of Respondent in his failure to timely file his June 2008 American

Surety 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.

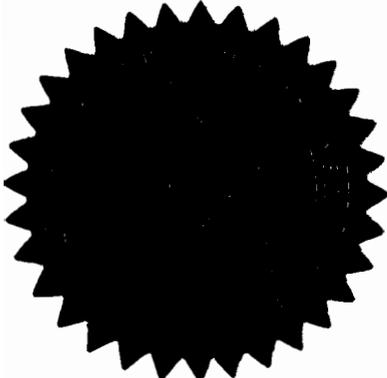
**ORDER**

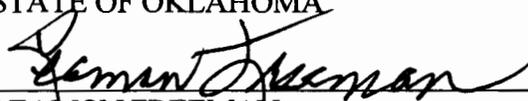
1. IT IS THEREFORE ORDERED that Respondent is hereby fined in the amount of One Hundred and No/100 Dollars (\$100.00).

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

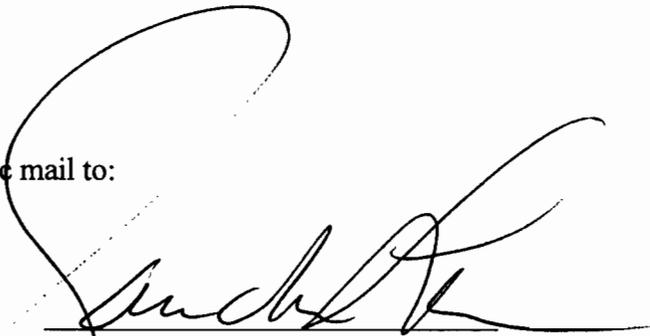
CERTIFICATE OF MAILING

I, Sandra G. 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 24 day of Oct., 2008, to:

Rod Ashcraft  
1422 S. Denver Ave.  
Tulsa, Oklahoma 74119-3423

and that a copy was delivered via electronic mail to:

Robert Noll, Director  
Bail Bond Division



SANDRA G. LAVENUE  
Assistant General Counsel