

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

FEB - 4 2009

STATE of OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
Petitioner,)
v.) Case No. 08-1637-DIS
TAMMY LISTEN, formerly a licensed Bail)
Bondsman in the State of Oklahoma,)
Respondent.)

INSURANCE COMMISSIONER
OKLAHOMA

ADMINISTRATIVE ORDER

ON THE 14th day of January, 2009, 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, John Mahoney. Respondent Tammy Listen (hereinafter Respondent) failed to appear in person and did not have counsel present on her behalf, after having received a copy of the Amended Notice of Hearing and Order to Show Cause delivered by certified mail with return receipt requested and signed by Respondent 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 was a licensed bondsman in the State of Oklahoma holding license number 800902/200099. However, she failed to renew her license by September 30, 2008. As a

result, her license expired on October 1, 2008.

FINDINGS OF FACT

1. That on or about November 25, 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 November 25, 2008, *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 January 14, 2009, at 9:30 a.m. at the office of the Insurance Commissioner, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

3. The November 25, 2008, *Notice of Hearing and Order to Show Cause* was mailed to Respondent by certified mail, return receipt requested, article number 7006 2760 0005 6605 1753. In addition, the Notice was also mailed to Respondent via regular mail. The Notice was returned to Petitioner marked "Return to Sender. Box closed. Unable to forward. Return to Sender" on December 1, 2008.

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

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

8. Due to Respondent's failure to appear for the hearing, she is found to be in default and as such, the Allegations of Fact as listed in the November 25, 2008 *Notice of Hearing and Order to Show Cause* are deemed true and correct. They are as follows:

a. Respondent failed to file her August 2008 monthly cash report and her August 2008 monthly simplified surety report by September 15, 2008. As of the date of this Notice, the reports

have yet to be received.

2. Respondent failed to file her September 2008 monthly cash report and her September 2008 monthly simplified surety report by October 15, 2008. As of the date of filing of this Notice, the reports have yet to be received.

9. Respondent failed to timely file her August 2008 monthly cash report, her August 2008 monthly simplified surety report, her September 2008 monthly cash report, and her September 2008 monthly simplified surety report. This is a violation of Okla. Stat. tit. 59, § 1314(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 bondsman pursuant to OKLA. STAT. tit. 59, §§ 1301-1340, as amended.

3. 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, she was found in default. As a result, the Alleged Violation of Law as listed in the November 25, 2008, *Notice of Hearing and Order to Show Cause* is deemed true and correct. Therefore, Respondent has violated OKLA. STAT. tit. 59, §

1314(A)(22), 1314(B) and OKLA. ADMIN. CODE 365:25-5-36 by failing to timely file her August 2008 monthly cash report, her August 2008 monthly simplified surety report, her September 2008 monthly cash report, and her September 2008 monthly simplified surety report.

ORDER

1. IT IS THEREFORE ORDERED that Respondent is fined in the amount of Four Hundred and No/100 Dollars (\$400.00).

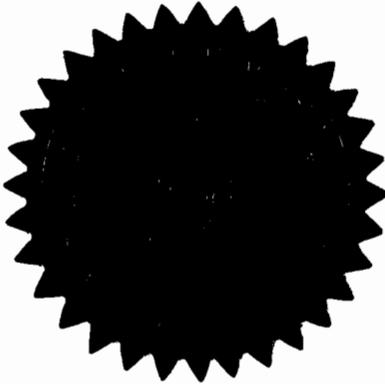
2. IT IS FURTHER ORDERED that Respondent is assessed costs in the amount of Fifty and No/100 Dollars (\$50.00).

3. Furthermore, the fine and costs assessed are to be paid before Respondent may submit a new or renewal application for any license that the Insurance Commissioner is authorized to issue.

WITNESS My Hand and Official Seal this 4th day of February 2009.

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, 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 4 day of Feb, 2009, to:

Tammy Listen
Post Office Box 154
Guthrie, Oklahoma 73044-0154

and that a copy was delivered by electronic mail to:

Robert Noll, Director
Bail Bond Division



JOHN MAHONEY