

200441, formerly 800530. Her license was suspended on August 14, 2008 and revoked on September 17, 2008 in case number 08-1205-DIS.

3. Robert Waugh is a licensed bail bondsman in the State of Oklahoma holding license number 199606 formerly 800348. His license was suspended March 18, 2009 in case number 08-1610-DIS and upon motion of the State the Notice of Hearing and Order to Show Cause issued on January 22, 2009 was ordered amended to incorporate his license status. Copies of the February 2, 2009 Order of Censure and Right to Hearing and March 18, 2009 Administrative Court Minute memorializing his suspension were ordered to become part of the record.

FINDINGS OF FACT

1. On or about January 22, 2009, 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. The *Notice* contained statements of jurisdiction, allegations of fact, alleged violations of law and an order setting the proceedings for April 15, 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 January 22, 2009, *Notice of Hearing and Order to Show Cause* was mailed to Miller by certified mail, return receipt requested, article number 7006 2760 0005 6605 0060. In addition, the *Notice* was also mailed to Miller via regular mail. The *Notice* was delivered on February 5, 2009 the signature of the person accepting delivery is illegible.

4. The January 22, 2009, *Notice of Hearing and Order to Show Cause* was mailed to Waugh by certified mail, return receipt requested, article number 7006 2760 0005 6605 0077. In addition, the *Notice* was also mailed to Respondent via regular mail. The *Notice* was delivered on February 5, 2009 the signature of the person accepting delivery is illegible.

5. Miller and Waugh both failed to appear when their names were called for hearing.

6. The Insurance Commissioner appointed Burck Bailey to hear the case as the independent Hearing Examiner. The Hearing was recorded electronically by employees of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

8. Petitioner introduced the exhibits received from the Tulsa County District Court on November 17, 2008 as part of the record for Tulsa County District Court case numbers CF-2008-3461, CF-2001-5242, CF-2001-6041, and CF-2001-7027. The exhibits included a copy of the Notice of Nonpayment of Bond Forfeiture, a certified copy of the bond, a certified copy of the power of attorney, the PS Form 3800 (return receipt) and PS Form 3811 (green card). The exhibits packets were ordered to be part of the record.

9. Due to Miller and Waugh's failure to appear, the allegations of fact as stated in the January 22, 2009 *Notice of Hearing and Order to Show Cause* were adopted as follows:

a. That on or about July 11, 2008, appearance bonds were issued as follows:

Defendant:	Fawn Guffey
Case Number:	CF-2008-3461, CF-2001-5242, CF-2001-6041, & CF-2001-7027
City/County:	Tulsa County
Bondsman:	Robert Waugh
Insurer:	Lynn Miller
Power Number:	0447, 0436, 0434, & 0435
Bond Amount:	\$5,000.00, \$20,000.00, \$20,000.00, & \$20,000.00

b. On or about July 30, 2008, the defendant failed to appear and the bond was forfeited. An Order and Judgment of Forfeiture was issued by the Court on August 12, 2008.

c. Respondents received notice on August 19, 2008. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was Tuesday, November 18, 2008.

d. On or about September 17, 2008, Miller's deposit was ordered completely depleted to pay forfeitures in Tulsa County, State v. Davey Torres, CF-2007-365, Counts I, II, & IV. As of the April 15, 2009, no money remains to pay outstanding forfeitures.

CONCLUSIONS OF LAW

1. These proceedings were commenced in accordance with and conducted pursuant to the applicable provisions of the 75 O.S. §§ 250-323 and the Oklahoma Bail Bond Code, 59 O.S. §§ 1301-1340.

2. The Commissioner has jurisdiction to conduct this hearing as Miller was a licensed bail bondsman pursuant to 59 O.S. §§ 1301-1340 and pursuant to 59 O.S. § 1310(E), the Commissioner retains jurisdiction for two (2) years after the last day Miller was licensed.

3. The Commissioner has jurisdiction to conduct this hearing as Waugh is a licensed bail bondsman (suspended) pursuant to 59 O.S. § 1301-1340.

4. Respondents were 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 75 O.S. § 309, and 59 O.S. § 1311.

4. The Independent Hearing Examiner was properly and legally appointed pursuant to 59 O.S. § 1311.1(B).

5. Since Miller and Waugh failed to appear, they were found in default. As such, the hearing examiner determined that they failed to return the defendant to custody within ninety (90) days or pay the bond forfeiture within ninety-one (91) days from the notice of the Order and Judgment of Forfeiture. This is a violation of 59 O.S. § 1332.

ORDER

1. IT IS THEREFORE ORDERED that Miller is fined in the amount of One Thousand Dollars (\$1,000.00) per bond, for a total of **Four Thousand Dollars (\$4,000.00)**.

2. IT IS FURTHER ORDERED that Waugh is fined in the amount of One Thousand Dollars (\$1,000.00) per bond, for a total of **Four Thousand Dollars (\$4,000.00)**.

2. IT IS FURTHER ORDERED the Respondents not be reinstated, renewed, or reissued any licenses until proof of payment of the bond forfeitures in Tulsa County District Court case numbers CF-2008-3461, CF-2001-5242, CF-2001-6041, and CF-2001-7027 is provided to the Commissioner's office and the fines have been paid.

WITNESS My Hand and Official Seal this 27 day of April 2009.



KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Burck Bailey
BURCK BAILEY
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 6th day of May, 2009, to:

Lynn Miller
Post Office Box 27305
Tulsa, Oklahoma 74149-0305

Robert Waugh
Post Office Box 27305
Tulsa, Oklahoma 74149-0305

and that a copy was mailed to:

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

and that a copy was delivered by electronic mail to:

Robert Noll, Director
Bail Bond Division


John Mahoney