

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**

APR 02 2009

STATE of OKLAHOMA, ex rel. KIM )  
HOLLAND, Insurance Commissioner, )  
Petitioner, )  
v. )  
YVETTE DESHAZER, a licensed Bail Bondsman )  
in the State of Oklahoma, )  
Respondent. )

INSURANCE COMMISSIONER  
OKLAHOMA

Case No. 08-1741-DIS

**ADMINISTRATIVE ORDER**

ON THE 11<sup>th</sup> day of March, 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 Yvette DeShazer (hereinafter Respondent) failed to appear in person and did not have counsel present on her behalf, after having received a copy of the Second 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 is a licensed bondsman in the State of Oklahoma holding license number 40038632.

## FINDINGS OF FACT

1. That on or about February 2, 2009, Petitioner, through her attorney, caused to be mailed an *Second Amended Notice of Hearing and Order to Show Cause* to Respondent at her last known address of record.

2. That the February 2, 2009, *Second Amended 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 March 11, 2009, 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. The February 2, 2009, *Second Amended Notice of Hearing and Order to Show Cause* was mailed to Respondent by certified mail, return receipt requested, article number 7006 0810 0002 6163 6965. In addition, the Notice was also mailed to Respondent via regular mail. The Notice was received and signed for by Leah Wilkins on February 4, 2009.

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. 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 February 2, 2009, *Second Amended Notice of Hearing and Order to Show Cause* are deemed true and correct. They are as follows:

a. Respondent failed to file her September 2008 cash and simplified surety monthly surety reports by October 15, 2008. The report was hand delivered on November 7, 2008.

b. Respondent failed to file her October 2008 monthly cash report by October 15, 2008.

c. Respondent failed to file her November 2008 cash report by December 15, 2008.

d. As of the date of the filing of this Notice, Respondent has yet to file her October 2008 and November 2008 monthly cash reports.

7. Respondent failed to timely file her September 2008 cash and simplified surety monthly reports, her October 2008 and her November 2008 monthly cash reports. This 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. 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 February 2, 2009, *Second Amended Notice of Hearing and Order to Show Cause* is deemed true and correct. Therefore, 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 her

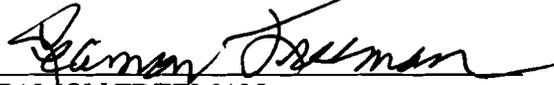
September 2008 cash and simplified surety monthly surety reports an her October and November 2008 monthly cash reports.

**ORDER**

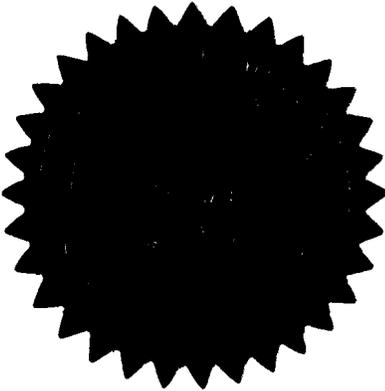
1. IT IS THEREFORE ORDERED that Respondent is **censured**.
2. IT IS FURTHER ORDERED that Respondent is assessed costs in the amount of One Hundred and No/100 Dollars (\$100.00).
3. Furthermore, Respondent is ordered to pay the costs within thirty (30) days from the date of hearing or April 11, 2009. If the costs are not paid as required, Respondent's license will be suspended and will remain suspended until the costs are paid in full.

WITNESS My Hand and Official Seal this 1st day of April 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 2 day of April, 2009, to:

Yvette DeShazer  
1534 NE 51<sup>st</sup> St.  
Oklahoma City, Oklahoma 73111-6808

and that a copy was delivered by electronic mail to:

Robert Noll, Director  
Bail Bond Division

  
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JOHN MAHONEY