



## 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 Respondent at her last known address 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. 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

2. 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 0251. 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.

3. Miller failed to appear when her name was called for hearing.

4. 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.

5. 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-2007-6093, Counts I, II & III. 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). These exhibits were admitted into evidence.

6. Due to Miller'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 December 1, 2007, appearance bonds were issued as follows:

Defendant: Debra Clayton  
Case Number: CF-2007-6093, Counts I, II, & III  
City/County: Tulsa County  
Bondsman: Lynn Miller  
Insurer: Lynn Miller  
Power Number: N/A  
Bond Amount: \$50,000.00, \$40,000.00 & \$250.00

b. On or about August 18, 2008, the defendant failed to appear and the bond was forfeited. An Order and Judgment of Forfeiture was issued by the Court on August 20, 2008.

c. Respondent received notice on August 22, 2008. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture was Tuesday, November 21, 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. Respondent was 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 failed to appear, she was 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**

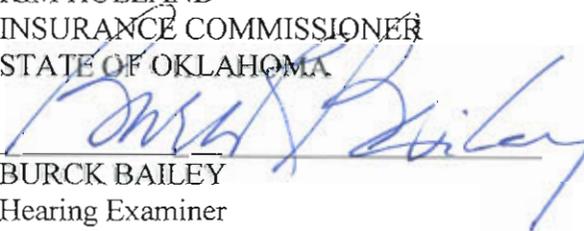
1. IT IS THEREFORE ORDERED that Miller is fined in the amount of One Thousand Dollars (\$1,000.00) per bond, for a total of **Three Thousand Dollars (\$3,000.00)**.

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-2007-6093, Counts I, II, & III, is provided to the Commissioner's office and the fines have been paid.

WITNESS My Hand and Official Seal this 5 day of May 2009.



KIM HOLLAND  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
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 6<sup>th</sup> day of May, 2009, to:

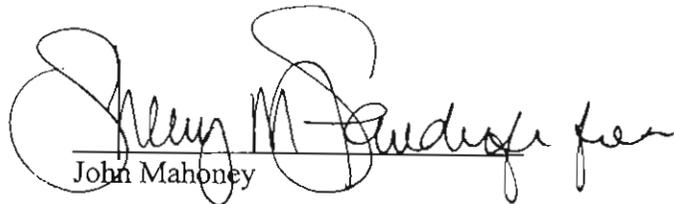
Lynn Miller  
Post Office Box 27305  
Tulsa, Oklahoma 74149-0305  
Certified Mail No. 7001-0320-0004-2107-1534

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