BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE of OKLAHOMA, ex rel. KIM HOLLAND, Insurance Commissioner, Petitioner,	)	
v.	)	Case No. 08-1827-DIS
BILL PIPHER, a licensed Bail Bondsman in the State of Oklahoma, Respondent.	)	

FILED
MAY 06 2009
INSURANCE COMMISSIONER
OKLAHOMA

ADMINISTRATIVE ORDER

ON THE 15th day of April, 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 Bill Pipher (hereinafter Respondent) appeared in person without counsel having received a copy of the 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, 59 O.S. §§1301-1340, and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250-323.

The Hearing Examiner, having been fully advised in the premises, finds by clear and convincing evidence as follows:

JURISDICTION AND AUTHORITY

1. The Insurance Commissioner has jurisdiction of this cause, pursuant to the provisions of the Oklahoma Bail Bond Code, 59 O.S. §§1301-1340.

2. Respondent is a licensed bondsman in the State of Oklahoma holding license number 114743 formerly 800149.

FINDINGS OF FACT

1. On or about January 22, 2009, Petitioner, through her attorney, caused to be mailed to Respondent at his address of record with the Department, by certified U.S. mail return receipt requested, a *Notice of Hearing and Order to Show Cause*. The *Notice* contained statements of jurisdiction, allegations of fact, alleged violations of law and an order setting the proceedings for September 17, 2008, at 9:30 a.m. at the office of the Insurance Commissioner, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

2. The Insurance Commissioner appointed Burck Bailey to hear the case as the independent Hearing Examiner and he entered these findings and conclusions. The Hearing was recorded electronically by employees of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

3. Respondent testified under oath. Petitioner introduced Exhibits one (1), two (2), three (3), four (4) and five (5). These exhibits were admitted without objection from Respondent.

4 On or about April 25, 2008, an appearance bond was issued by Respondent as follows:

Defendant:	Tammy Rowland
Case Number:	CM-2005-1166
City/County:	Oklahoma County
Bondsman:	Bill Pipher
Insurer:	Bill Pipher
Power Number:	10-15683
Bond Amount:	$2,000.00

5. On or about August 7, 2008, the defendant failed to appear and the bond was ordered forfeited. An Order and Judgment of Forfeiture was issued by the District Court August 19, 2008.

6. Respondent received notice of Order of Judgment and Forfeiture from the District Court on August 20, 2008. The ninety-first (91st) day after the receipt of the Order and Judgment of Forfeiture was Wednesday, November 19, 2008.

7. The bond forfeiture was untimely paid on November 21, 2008.

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 the Respondent is a licensed bail bondsman pursuant to 59 O.S. §§ 1301-1340.

3. Respondent was properly served with adequate notice of the time and place of the hearing and sufficiently advised of the allegations against him as required by 75 O.S. § 309, 59 O.S. § 1311. The Independent Hearing Examiner was properly and legally appointed pursuant to 59 O.S. § 1311.1(B).

4. Respondent failed to return the defendant to custody within ninety (90) days or pay the bond forfeiture within ninety-one (91) days from notice of the Order and Judgment of Forfeiture. This is a violation of 59 O.S. § 1332.

ORDER

1. IT IS THEREFORE ORDERED that Respondent is fined 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).

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 6th day of May, 2009, to:

Bill Pipher
801 NW 5th
Oklahoma City, Oklahoma 73106

and that a copy was mailed to:

Patricia Presley
Oklahoma County Court Clerk
320 Robert S. Kerr
Oklahoma City, Oklahoma 73152

and that a copy was delivered by electronic mail to:

Robert Noll, Director
Bail Bond Division

John Mahoney