

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
APR 08 2015
INSURANCE COMMISSIONER
OKLAHOMA

**In Re: Application of CINDY MICHELLE)
WALLACE for a Bail Bond license in the State) Case No. 15-0222-DEN
of Oklahoma.**

ADMINISTRATIVE ORDER

This matter is an administrative proceeding under the Oklahoma Bail Bond Act. The Oklahoma Insurance Department (the "Department") issued a Notice of Hearing on March 2, 2015, to afford Cindy Michelle Wallace ("Applicant") the opportunity to present her case regarding why her application for bail bond license should not have been denied by the Department.

The hearing was set before the undersigned Hearing Examiner for March 10, 2015, but was continued at the request of the Applicant until April 2, 2015.

On April 2, 2015, the above-captioned case came on for hearing at the office of the Department, 3625 N.W. 56th Street, Suite 100, Oklahoma City, Oklahoma 73112, and was concluded on the same date. Oklahoma Insurance Commissioner John D. Doak appointed the undersigned independent Hearing Examiner to preside at the hearing as a quasi-judicial officer. The hearing was recorded electronically by an employee of the Department. Petitioner was represented by Assistant General Counsel, Dan R. Byrd. Applicant, Cindy Michelle Wallace appeared in person and was represented by her attorney, Jeff Eulberg. Petitioner called two witnesses and offered an exhibit as proof to support the statement of facts and alleged violations of law contained in the Notice of Hearing. Applicant testified on her behalf and offered an exhibit as proof to deny the Statement of Facts and Alleged Violations of Law contained in the Notice of Hearing. Testimony was taken and arguments were heard. The Hearing Examiner finds as follows:

JURISDICTION

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma and as such is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101-7301, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1340.

2. Applicant was a licensed bail bondsman in the State of Oklahoma holding license number 800984. Applicant's license was suspended on September 30, 2010.

3. The Insurance Commissioner may deny, censure, suspend, revoke, or refuse to renew any license issued pursuant to the Oklahoma Bail Bond Act and/or may levy a fine of not less than \$250.00 but not more than \$2,500.00 for each occurrence of a violation of the Oklahoma Bail Bond Act. 59 O.S. § 1310(A) and (B).

FINDINGS OF FACT

1. On or about October 24, 2014, the Department received an Application for Bail Bond License from Applicant.

2. On February 13, 2015, the Department issued a letter to the Applicant informing her that her application had been denied for the following reasons: Applicant was formerly licensed as a bail bondsman from March 15, 2007 until September 30, 2010 under license number 800984 (SBS 199624). The Department records indicate the following:

- (a) On September 1, 2010 Applicant's previous bail bond license was suspended in administrative case 10-0927-DIS.
- (b) The Department received seven (7) Non-Payment of Forfeiture notices from court clerks.
- (c) The Department received six (6) Unclaimed Mail Notices from court clerks.

- (d) Applicant submitted one (1) insufficient funds check to the Department.
- (e) The Department records indicate eleven (11) fail to file or untimely filing of monthly reports.

3. Applicant had an outstanding fine that was owed to the Department in administrative case 09-0054-DIS for violation of 59 O.S. § 1332(D), which remained unpaid until on or about January 23, 2015 when Applicant paid the fine after Department staff advised her of the fine.

3. On February 19, 2015, the Department received Applicant's request for a hearing regarding the denial of her application for a bail bond license.

CONCLUSIONS OF LAW

1. Section 1303(B) of Title 59 states that bail bond licenses shall only be issued in compliance with the Oklahoma Bail Bond Act. This requires that all provisions of the Bail Bond Act be adhered to in the issuance of a bail bond license.

2. Section 1305(A)(2) of Title 59 requires that the application for bail bond license affirmatively show that the applicant is competent, trustworthy, financially responsible, and is of good personal and business reputation and character.

3. Section 1310(A)(6) of Title 59 provides that the Commissioner may deny, censure, suspend, revoke, or refuse to renew any license issued under Sections 1301 through 1340 of this title for fraudulent or dishonest practices or demonstrating financial irresponsibility in conducting business under the license.

4. Section 1310(A)(7) of Title 59 provides that the Commissioner may deny, censure, suspend, revoke, or refuse to renew any license issued under Sections 1301 through 1340 of this title for failure to comply with, or violation of any proper order, rule, or regulation of the

Commissioner.

5. Applicant's actions in conducting her business under her prior bail bond license including, but not limited to, non-payment of bail bond forfeitures, insufficient funds check, non-payment of fines among other things discovered by the Department in reviewing Applicant's application for a bail bond license demonstrate her financial irresponsibility in conducting business under the license in violation of 59 O.S. §§ 1305(A)(2), 1310(A)(6) and 1310(A)(7).

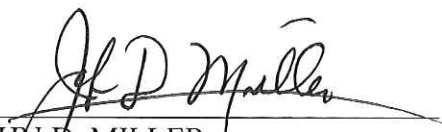
ORDER

Petitioner's testimony offered at hearing support the Statement of Facts and Alleged Violations of Law in the Notice of Hearing.

IT IS THEREFORE ORDERED that the Oklahoma Insurance Department's denial of Cindy Michelle Wallace's application for a license as a bail bondsman shall be upheld.

WITNESS My Hand and Official Seal this 2nd day of April, 2015.




JOHN D. MILLER
INDEPENDENT HEARING EXAMINER
OKLAHOMA INSURANCE DEPARTMENT

CERTIFICATE OF MAILING


I, Dan R. Byrd, hereby certify that a true and correct copy of the above and foregoing Administrative Order was mailed via certified mail with return receipt requested, and via regular mail, on this 8th day of April, 2015, to:

Jeff Eulberg
Eulberg Law Office, PLLC
925 N.W. 6th → Oklahoma City OK 73106
Attorney for Applicant
Cindy Michelle Wallace

CERTIFIED MAIL NO: 7014 2870 0000 5492 9637

and that a copy was delivered to:

Bail Bonds Division



DAN R. BYRD
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 522-6330
Fax (405) 522-0125

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 925 N.W. 6TH
 Oklahoma City, OK 73106
 Street & Apt. No., or PO Box No.: Attorney for Cindy M. Wallace
 City, State, ZIP+4: 15-0222-DEN/DRB(mt)
 (Admi.Ord.~ 4-08-15)

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1. Article Addressed to:

Jeff Eulberg
 Eulberg Laww Office, PLLC
 925 N.W. 6TH
 Oklahoma City, OK 73106
 Attorney for Cindy M. Wallace
 15-0222-DEN/DRB(mt)
 (Admi.Ord.~ 4-08-15)

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