

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK,)
Insurance Commissioner,)
Petitioner,)
vs.)
KRISTINA BERGLAN, a licensed professional bail)
bondsman in the State of Oklahoma,)
AND)
CHRISTI (ADAMS) SPENCER, a licensed bail)
bondsman in the State of Oklahoma)
Respondents.)

FILED

FEB 24 2012

INSURANCE COMMISSIONER
OKLAHOMA

CASE NO. 11-0786-DIS

ADMINISTRATIVE ORDER

On January 25, 2012, the above captioned case came on for hearing at the office of the Oklahoma Insurance Department, 3625 N.W. 56th Street, Suite 100, Oklahoma City, Oklahoma 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 employees of the Oklahoma Insurance Department. Petitioner was represented by Assistant General Counsel Michael P. Copeland. Respondent appeared in person and with counsel, Jeffrey L. Hatfield. 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. §§ 101-7004 and the Oklahoma Bail Bond Act 59 O. S. §§ 1301-1340.
2. Respondent Kristina Berglan ("Berglan") is a licensed professional bail bondsman in the State of Oklahoma holding license number 199630.

3. Respondent Christi (Adams) Spencer (“Spencer”) is a licensed bail bondsman in the State of Oklahoma holding license number 40081010.

FINDINGS OF FACT

1. On or about January 21, 2011, two appearance bonds were executed as follows:

Defendant:	Bettie Jean Ford
Case Number(s):	CM-2011-46 (2 Counts)
City/County:	Canadian County
Bondsman:	Christi (Adams) Spencer
Surety:	Kristina Berglan
Power Number(s):	1424; 1425
Bond Amount(s):	\$1,000.00; \$603.00

2. On April 4, 2011, the Defendant failed to appear, and the bonds were declared forfeited. An Order and Judgment of Forfeiture was issued by the district court on April 7, 2011, and filed in the case. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondents with return receipt requested within thirty (30) days after the forfeiture.

3. Berglan received a copy of the Order and Judgment of Forfeiture on April 13, 2011.

4. Spencer received a copy of the Order and Judgment of Forfeiture on April 16, 2011.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Spencer was Saturday, July 16, 2011. Because this date occurred on a Saturday, the ninety-first (91st) day became Monday, July 18, 2011. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture, nor were sums due on the forfeiture deposited with the court clerk on the ninety first (91st) day.

6. The forfeited bail bonds were untimely paid on September 8, 2011.

7. On September 12, 2011, the Oklahoma insurance Department issued a *Conditional Administrative Order and Notice of Right to be Heard* imposing a fine of Three Hundred Twenty

Dollars (\$320.00) against each of the Respondents for the alleged violations.

8. Respondent Berglan paid the fine on October 3, 2011.

9. Respondent Spencer, by and through her attorney, Jeffrey L. Hatfield, requested a hearing on October 21, 2011. After several scheduling attempts, the case was scheduled for hearing on January 25, 2012.

10. The hearing was held on January 25, 2012. Testimony was taken and arguments were made. The hearing was confined solely to Spencer's appeal. Berglan's fine was not addressed.

11. The Hearing Examiner found that Respondent Spencer's conduct did not warrant a fine, but rather that she should be censured.

CONCLUSIONS

The allegations are found to be true and correct and Respondents have violated 59 O.S. § 1332 by failing to return the defendant within ninety (90) days or payment of the bond forfeiture within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture.


ORDER

IT IS ORDERED that Christi (Adams) Spencer is to be censured and is assessed costs in the amount of One Hundred Twenty-Five Dollars (\$125.00). Costs are to be paid immediately. If Spencer does not pay costs within one week from the date of hearing, her license shall be suspended until she remits payment.

WITNESS My Hand and Official Seal this 16th day of February, 2012.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Leamon Freeman
Hearing Examiner

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Administrative Order was mailed certified, return receipt requested on this _____ day of February, 2012, to:

Jeffrey L. Hatfield
217 N. Harvey, Suite 210
Oklahoma City, OK 73102



WILLIAM G. COMBS