

**BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA**

**FILED**

APR 06 2017

INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.        )  
DOAK, Insurance Commissioner,            )  
  )  
  Petitioner,        )  
v.    )  
  )  
CONNIE LYNETTE HOLT,                        )  
A licensed bail bondsman in the            )  
State of Oklahoma,                            )  
  Respondent.        )

Case No. 17-0028-DIS

**ADMINISTRATIVE ORDER**

This matter is a proceeding under the Oklahoma Insurance Code (“Code”), 36 O.S. § 101, et. seq., and is conducted pursuant the Oklahoma Administrative Procedures Act, 75 O.S. § 301, et. seq., whereby Respondent, Connie Lynette Holt, is a licensed bail bondsman in the State of Oklahoma holding license 40081904. The Oklahoma Department of Insurance (hereinafter OID) filed and issued on January 17, 2017, a Notice of Hearing and Order for Show Cause as to why the bail bondsman’s license of Connie Lynette Holt should not be immediately cancelled, suspended, revoked and/or whether she should be fined based upon allegations set forth in the Notice of Hearing which were actions asserted by OID to be violations of the Oklahoma Bail Bond Act, 59 O.S. §§ 1301-1341. Proper notice was given to the Respondent of the hearing by certified mail and the Order setting a hearing date of February 8, 2017 at 9:30 a.m. was received by Respondent with that notice. Subsequent to receipt of the notice of hearing, the parties by and through Sandra LaVenué, Senior Counsel for OID and Jeff Eulberg, counsel for the Respondent, agreed to continue the hearing on the issues related to this matter until March 7, 2017 at 9:30 a.m. at the offices of OID.

On March 7, 2017, the above captioned case came on for hearing at the office of the Department of Insurance, 3625 N.W. 56<sup>th</sup> Street, Oklahoma City, Oklahoma 73112, and testimony and evidence was received at that time. Oklahoma Insurance Commissioner John D. Doak had appointed the independent Hearing Examiner, John D. Miller, to preside at the hearing as a quasi-judicial officer pursuant 36 O.S. § 319. The hearing was recorded electronically by employees of the Department. Petitioner was represented by Senior Counsel, Sandra LaVenue. Respondent, Connie Lynette Holt appeared in person and was represented by her attorney, Jeff Eulberg. Testimony and evidence was heard in regards to four separate cases related to the Respondent before the undersigned Hearing Examiner. Due to the amount of evidence submitted, the Hearing Examiner took the matters under advisement to review the evidence prior to issuance of his findings.

Therefore after consideration of the testimony and evidence presented, this independent Hearing Examiner issues his order of findings and conclusions of law as to this particular case.

### **FINDINGS OF FACT**

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 (hereinafter “Code”), 36 O.S. §§ 101-7301.

2. Respondent, Connie Lynette Holt, is a licensed bail bondsman in the State of Oklahoma holding license number 40081904 with a mailing address on record with the OID of 604 N. Reformatory Road, El Reno, OK 73036 and the Oklahoma Insurance Department (OID) has jurisdiction over the subject matter raised in this action and likewise has the jurisdiction and authority to impose penalties for any and all violations of the Oklahoma Bail Bond Act, 59

O.S. §§ 1301-1341 committed by the Respondent which are established by clear and convincing evidence.

3. The Insurance Commissioner, pursuant 36 O.S. § 319, appointed the undersigned independent Hearing Examiner and that Hearing Examiner has the jurisdiction to sit as a quasi-judicial officer and to rule on the matters related to this case.

4. That Respondent, Connie Lynette Holt, on or about May 19, 2015 executed an appearance bond for Defendant, Derek Jarome Black, in Canadian County, Oklahoma misdemeanor case no. CM-2015-394- counts 1 & 2 in the bond amount of \$1,000.00 on Ct. 1 and \$206.00 for Ct. 2 with power nos. U1-20553520 and U1-20550281. The surety was United States Fire Insurance Company (USFIC).

5. On October 19, 2015, the Defendant failed to appear and the court issued a bench warrant and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued and filed in the case on October 23, 2015, by the Canadian County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondent Holt and USFIC by USPS certified mail with return receipt within thirty (30) days after the filing of the Order.

6. Respondent Holt received a copy of the Order and Judgment of Forfeiture on November 6, 2015.

7. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture was Friday, February 5, 2016, at which point the Defendant had not been returned to custody or the forfeiture paid.

8. On February 26, 2016, some twenty-one days after the 91<sup>st</sup> day after the Order and Judgment of Forfeiture was received by Respondent, Holt, she filed a Stay of Forfeiture which was approved by Judge Jack McCurdy and which stayed the Forfeiture until March 26, 2016.

9. On March 29, 2016, the Canadian , the Canadian County Court Clerk sent notice to the OID that neither Holt had not paid the bond forfeiture by the ninety-first day as required by 59 O.S. § 1332 (D).

10. On April 5, 2016, OID filed a Conditional Administrative Order and Notice of Right to be Heard regarding the unpaid forfeiture on Defendant Derek Jarome Black.

11. On or about April 6, 2016, Respondent Holt presented Canadian County jailer Guadalupe Rodriguez, a Certificate of Surrender form for Derek Black for case no. CM-2015-394 which jailer Rodriguez signed the Certificate of Surrender without checking to verify Derek Black was in custody in the Canadian County Jail.

11. On April 6, 2016, Respondent Holt obtained an exoneration of the bond in case CM-2015-394 by the signature of Special Judge Barbara Hatfield based upon the Certificate of Surrender previously obtained by Respondent Holt from the Canadian County jailer.

12. Based upon the Order exonerating the bond, OID dismissed the Conditional Order Without Prejudice on April 12, 2016.

13. On December 6, 2016, Canadian County Assistant DA, Paul Hesse filed a Motion to Vacate the Order Exonerating Bond stating that the Motion and Order to Exonerate Bond was granted on the Motion of Respondent Holt and that at the time the order was issues, the Defendant, Derek Jarome Black had not been returned to custody and there was no legal basis for the exoneration to be granted. Additionally, Asst. DA Hesse notified the Canadian County District Court that Holt did not provide notice of the Motion to Exonerate to the State and that the State did not consent to Holt's Motion.

14. On December 22, 2016, the State's Motion to Vacate the Exoneration Order was heard and was granted upon agreement of the parties. The Court ordered the Motion and Order to

Exonerate Bond executed by the Court on April 6, 2016 vacated and the Order and Judgment of Forfeiture issued on October 19, 2015 to remain in effect.

15. Evidence of additional Certificates of Surrender being obtained by Respondent Holt from the Canadian County jailer when the Defendants were not in custody including Stacy Ann Carman in CM-2010-789, Defendant Misti Whitnah Thompson in cases CF-2015-274 and CM-2015-86 , Defendant Maxi Barber in CM-2015-62 and a Surrender of Defendant on Bond and Request for Hold Order on Valentin Avila in CF-2015-762 were presented.

12. Pursuant 59 O.S. § 1310 (A) and (B) of the Oklahoma Bail Bond Act, the Insurance Commissioner has the authority to impose certain statutory penalties including but not limited to the denial, censure, suspension, revocation of a bail bondsman's license as well as impose a civil penalty of a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each occurrence or violation of the provisions of the Oklahoma Bail Bond Act.

### **CONCLUSIONS OF LAW**

1. Respondent Holt violated 36 O.S. § 1332 (D) by failing to deposit cash or other valuable securities in the face amount of the bond of \$1,206.00 with the Canadian County Court Clerk in Case no. CM-2015-394 Counts 1 & 2 on the ninety-first (91<sup>st</sup>) day after her receipt of the Order and Judgment and the Defendant, Derek Jarome Black, for whom the bond had been posted had not been returned to custody by said date and the forfeiture had not been stayed.

2. Respondent Holt violated 36 O.S. § 1310 (A) 2 and 7 by violating 36 O.S. § 1332 (D) as stated in Section 1 above.

3. Respondent Holt violated 36 O.S. § 1310 (A) 28 by failing to pay fees to the Canadian County District Court Clerk as required by this title and more specifically stated in Section 1 above.

4. Respondent Holt's conduct and pattern of conduct in obtaining the signatures from a jailer of the Canadian County jail without any apparent attempts to establish on her own the presence of the Defendant being in custody through her contacts and by presenting a Certificate of Surrender to the jailer at a time things were generally busy at the jail demonstrates an unfitness to act as a bail bondsman. There is no doubt the jailer failed to meet the appropriate standard by signing the Certificates of Surrender but that does not absolve the Respondent of her ethical and legal responsibilities of her vocation. The failure to get the approval or at least give notice to the District Attorney's office prior to submission of a Motion and Order to a judge of the District Court of Canadian County is further improper conduct. By clear and convincing evidence of numerous occasions of this type of conduct, there has been exhibited a pattern of behavior by Respondent Holt which establishes fraudulent and dishonest practices as well as conduct which demonstrates untrustworthiness. These conduct or practices render the Respondent Holt unfit to carry on in the bail bond business and exhibits conduct which is detrimental to the public interest. As a result the Respondent Holt has violated 59 O.S. § 1310 (A), Subsections 6 , 9 and 28 of the Oklahoma Bail Bond Act..

### **ORDER**


**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that it has been established by clear and convincing evidence that Respondent, Connie Lynette Holt, has violated**

36 O.S. § § 1310 (A) 2, (A) 7, (A) 9 and (A) 28 of the Oklahoma Bail Bondsman Code and as a result her Bail Bond License is ordered REVOKED.

IT IS FURTHER ORDERED that Connie Lynette Holt is assessed the costs of this matter in the amount of Six Hundred Twenty Five Dollars (\$625.00) to be paid to the Oklahoma Insurance Department with thirty (30) days of the receipt of this order.

WITNESS My Hand this 6<sup>th</sup> day of April, 2017.



  
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JOHN D. MILLER, OBA # 6213  
INDEPENDENT HEARING EXAMINER  
OKLAHOMA INSURANCE DEPARTMENT

**CERTIFICATE OF MAILING**

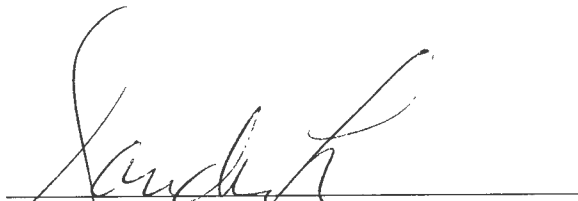
I, Sandra LaVenue hereby certify that a true and correct copy of this above and foregoing Administrative Order was mailed via certified mail with return receipt requested, and via regular mail, on the 7<sup>th</sup> day of April, 2017, to:

Jeff Eulberg  
Eulberg Law Office, PLLC  
925 S. 6<sup>th</sup>  
Oklahoma City, OK 73106

CERTIFIED MAIL NO.:

And that a copy was delivered to:

OID Licensing Division



Sandra LaVenue  
Senior Counsel, OID  
3625 NW 56<sup>th</sup> Street, Suite 100  
OKLAHOMA CITY, OK 73112