

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

MAY 25 2017

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner,)
)
vs.)
)
SECILE BAUGHMAN, a licensed bail)
bondsman in the State of Oklahoma,)
)
Respondent.)

Case No. 17-0245-DIS

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came on for Show Cause hearing on May 24, 2017. Petitioner, State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, appeared by counsel, Sara A. Worten, Assistant General Counsel. Respondent, Secile Baughman failed to appear or answer the Amended Notice of Hearing and Order to Show Cause issued by the Oklahoma Insurance Commissioner on May 9, 2017.

Petitioner alleges that Respondent violated the following provisions of the Oklahoma Statutes and/or Regulations of the Oklahoma Insurance Department:

1. 59 O.S., 2011, Section 1314(B), which requires every licensed bail bondsman in the State of Oklahoma to submit monthly reports for each line of authority by the fifteenth (15th) day of each month.
2. OAC 365:25-5-36(a), which makes the identical requirements.
3. 59 O.S., 2011, Section 1310(A)(2) prohibiting the violation, by a licensed bondsman, of any laws of the State of Oklahoma or any lawful rule, regulation, or order of the Insurance Commissioner.

4. 59 O.S., 2011, Section 1310(A)(24), for allegedly failing to file reports as required by 59 O.S., 2011, Section 1314.

The evidence consisted of the testimony of one witness as well as the introduction of multiple written exhibits. Based on the evidence presented, the Hearing Examiner finds and orders as follows:

JURISDICTION

1. Petitioner is the Insurance Commissioner of the State of Oklahoma who is charged with the responsibility to administer and enforce the insurance laws of the State as well as regulations lawfully promulgated by the Oklahoma Insurance Department.

2. Respondent, Secile Baughman, is a licensed bail bondsman in the State of Oklahoma holding license number 100232355.

3. Respondent holds a surety appointment from American Contractors Indemnity Company.

4. Petitioner has jurisdiction of the parties and subject matter hereof pursuant to 36 O.S., 2011, Section 101-7301, and is empowered to impose civil penalties, and/or to deny, censure, suspend, revoke or refuse to renew the license issued to Respondent pursuant to 59 O.S., 2011, Section 1310(A). The undersigned, having been appointed by the Insurance Commissioner to hear and determine this matter, has jurisdiction under the authority of 36 O.S., 2011, Section 319 and 59 O.S., 2011, Section 1311.1(B).

FINDINGS OF FACT

1. Respondent was required to submit, electronically, a monthly report of her line of authority with American Contractors Indemnity Company (herein, at times, ACIC) for the month of

December, 2016, by January 17, 2017. Respondent wholly failed to file the required report.

2. Respondent was required to submit, electronically, a monthly report of her line of authority with ACIC for the month of January, 2017, by February 17, 2017. Respondent wholly failed to file the required report.

3. Respondent was required to submit, electronically, a monthly report of her line of authority with ACIC for the month of February, 2017, by March 17, 2017, and wholly failed to do so.

4. Respondent was required to submit, electronically, a monthly report of her line of authority with ACIC for the month of March, 2017, by April 17, 2017, and wholly failed to do so.

5. The evidence established that Respondent, on three (3) prior occasions, had been disciplined by the Insurance Commissioner as the result of formal administrative action.

6. In *State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner v. Secile Baughman, et al.*, Case No. 16-0582-DIS, Respondent was censured and fined by the Insurance Department for violating 59 O.S., 2011, Section 1332(D) for failing to return a criminal defendant to the District Court of Osage County and/or remit the face amount of an appearance bond in *State of Oklahoma v. Crystal Ann Smith*, Case No. CM-2015-628, after Smith failed to appear and her bond was forfeited.

7. The undersigned finds by clear and convincing evidence that Respondent was censured and fined by the Insurance Department in *State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner v. Secile Baughman*, Case No. 16-0598-DIS for violating 59 O.S., 2011, Section 1332(D) by failing to return a criminal defendant to the District Court of Osage County and/or remit the face amount of an appearance bond in *State of Oklahoma v. Bethany Inez Woods*,

Case No. CF-2015-379, after Woods failed to appear and her bond was forfeited.

8. The undersigned further finds that Respondent was again fined by the Insurance Commissioner in *State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner v. Secile Baughman*, Case No. 16-1098-DIS for failing to file two required reports for the months of October and November, 2016, at a time when she had an outstanding balance in the form of active criminal appearance bonds with ACIC in the sum of \$454,750.00, all in violation of 59 O.S., 2011, Section 1314(B) and OAC 365:25-5(a).

9. Based on the evidence, the undersigned finds that Respondent has repetitively violated the Oklahoma Insurance Code, that such violations establish a pattern of misconduct on her part, and her demonstrated indifference to legal obligation.

CONCLUSIONS OF LAW

1. The undersigned finds, by clear and convincing evidence, that on and after January 17, 2017, Respondent failed to submit reports required by 59 O.S., 2011, Section 1314(B) and OAC 365:25-5-36(A) to the Oklahoma Insurance Department and has, as of the date of this order, failed to file the same in direct violation of 59 O.S., 2011, Sections 1310(A)(2) and (A)(24).

2. The undersigned further finds, by clear and convincing evidence, that on and after February 17, 2017, Respondent failed to file reports required by 59 O.S., 2011, Section 1314(B) and OAC 365:25-5-36(A) to the Oklahoma Insurance Department and has, as of the date of this order, failed to file the same in direct violation of 59 O.S., 2011, Sections 1310(A)(2) and (A)(24).

3. The undersigned further finds by clear and convincing evidence, that on and after March 17, 2017, Respondent failed to file reports required by 59 O.S., 2011, Section 1314(B) and OAC 365:25-5-36(A) to the Oklahoma Insurance Department and has, as of the date of this order,

failed to file the same in direct violation of 59 O.S., 2011, Sections 1310(A)(2) and (A)(24).

4. The undersigned further finds, by clear and convincing evidence, that on and after April 17, 2017, Respondent failed to file reports required by 59 O.S., 2011, Section 1314(B) and OAC 365:25-5-36(A) to the Oklahoma Insurance Department and has, as of the date of this order, failed to file the same in direct violation of 59 O.S., 2011, Sections 1310 (A)(2) and (A)(24).

5. The undersigned finds, by clear and convincing evidence that Respondent has, on three (3) previous occasions, been disciplined by the Oklahoma Insurance Department for violation of multiple provisions of the Oklahoma Insurance Code.

CONCLUSION

The undersigned finds that, for the violations committed by her and for her demonstrated pattern of misconduct and indifference to legal obligation, License No. 100232355, issued by the Oklahoma Insurance Department to Respondent, Secile Baughman, be and the same is hereby revoked. Respondent is assessed the costs of this proceeding in the sum of \$1,050.00, to be paid by Respondent within thirty (30) days from the date of this order.

Charles F. Alden, III, OBA #0187
CHARLES F. ALDEN, III, INC., P.C.
309 N.W. 9th Street
Oklahoma City, OK 73102
(405) 235-5255
(405) 235-8130 fax


ADMINISTRATIVE LAW JUDGE

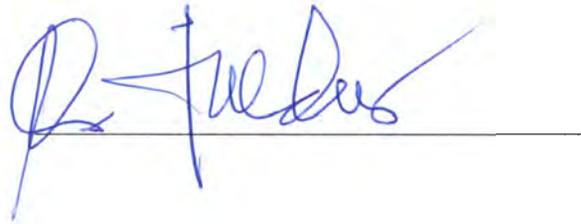
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On the 25th day of May, 2017, I hereby certify that a true and correct copy of the above and foregoing Order was mailed via U.S. Mail, postage prepaid thereon, to:

Secile Baughman
181 dove Lane
Ponca City, OK 74604-5200

American Contractors Indemnity Company
601 S. Figueroa St., Suite 1600
Los Angeles, CA 90017-5721

Sara A. Worten, Asst. General Counsel
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112



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