

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

FILED

JAN 19 2018

**STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)**

INSURANCE COMMISSIONER
OKLAHOMA

Petitioner,)

v.)

Case No. 17-0356-DIS

**CONNIE LYNETTE HOLT,)
A licensed bail bondsman in the)
State of Oklahoma,)**

Respondent.)

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 September 7, 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 October 3, 2017. Subsequent to receipt of the notice of hearing, the parties by and through Sandra LaVenue, Senior Counsel for OID and Jeff Eulberg, counsel for the Respondent, agreed to continue the hearing on the issues related to this matter until November 9, 2017 at 9:30 a.m. at the offices of OID.

On November 9, 2017, the above captioned case came on for hearing at the office of the Department of Insurance, 3625 N.W. 56th 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 commenced and 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 commenced in regards to activity of Respondent in regards to her acting as a bail bondsman for Valintin Avila in Canadian County District Court felony case CF-15-763. When testimony commenced in regards to Valintin Avila, counsel for Respondent asserted that testimony in regards to Respondent's activity as a bail bondsman for him had been presented previously on administrative hearings in regards to her license on March 7, 2017 and a judgment had been rendered by the administrative hearing examiner based upon that and other testimony presented. Counsel for the Respondent asserted that either res judicata or estoppels by judgment was applicable and this matter should be dismissed. Counsel for the Department objected.

The undersigned Hearing Examiner ordered further evidence in this case stayed until he had time to review the testimony and evidence taken on March 7, 2017 against the Respondent in Department of Insurance administrative cases 16-1101-DIS, 16-1027-DIS, 17-28-DIS and 16-1105-DIS as well as to conduct a review of the administrative orders issued in those cases as a result of the testimony taken on that date.

Therefore after consideration of the testimony and evidence presented in the cases listed immediately above and the orders issued in regards to those cases, this independent Hearing Examiner issues his findings of fact and conclusions of law.

FINDINGS OF FACT

1. Testimony and evidence including exhibits were offered by Petitioner and admitted into evidence on the administrative case hearings on March 7, 2017 related to Respondent's acting as a bail bondsman for Valintin Avila in Canadian County District Court case CF-15-763. A review of that testimony and evidence establishes in both cases 17-0028-DIS and 16-1027-DIS, the Hearing Examiner took the evidence presented in regards to her bail bondman activities related to Valintin Avila into consideration in issuing its order of revocation against the Respondent. In both administrative orders issued by the Hearing Examiner in cases 16-1027-DIS and 17-0028-DIS, a conclusion of "Respondent Holt's conduct and pattern of conduct" which included her actions in regards to Valintin Avila were taken into account in justifying the imposition of a revocation of Respondent's bail bond license. Finding of Fact no. 15 in the Administrative Order issued case 17-0028-DIS specifically mentions Respondent's actions involving Valentin Avila.

CONCLUSIONS OF LAW

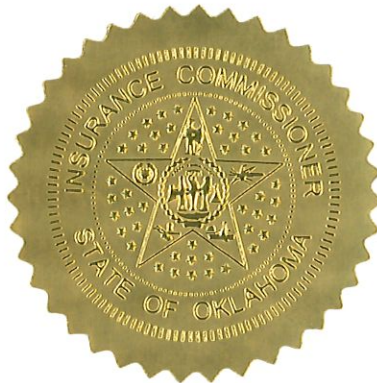
1. Based upon the fact that testimony and evidence was received on March 7, 2017 in administrative actions 16-1027-DIS and 17-0028-DIS in regards to Respondent's actions as a bail bondsman in regards to Aventin Avila in Canadian County District Court case CF-15-763 and those actions were taken into consideration by the Hearing Examiner's in his imposition of a

license revocation and fines against the Respondent, Connie Lynette Holt, the Hearing Examiner finds that res judicata and/or estoppels by judgment applies to the matters included in this present case. The Hearing Officer finds continued action by the Petitioner in this case would constitute a violation of Respondent's constitutional rights.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this case be DISMISSED against the Respondent, Connie Lynette Holt, based upon the findings of fact and conclusion of law above stated.

WITNESS My Hand this 19th day of January, 2018.



John D. Miller

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 19th day of January, 2018, to:


Jeff Eulberg
Eulberg Law Office, PLLC
925 S. 6th
Oklahoma City, OK 73106

CERTIFIED MAIL NO.
9214 8902 0982 7500 0048 53

CERTIFIED MAIL NO.:

And that a copy was delivered to:

OID Licensing Division



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