

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

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

CASE NO. 11-0957-DIS

FILED

OCT 03 2011

INSURANCE COMMISSIONER
OKLAHOMA

And

MARSHA WIDENER, a licensed bail bondsman in
the State of Oklahoma

Respondents.

CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD

COMES NOW the State of Oklahoma, ex rel., John D. Doak, Insurance Commissioner, by
and through counsel and alleges and states 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 Howard McClanahan (“McClanahan”) is a licensed professional bail bondsman in the State of Oklahoma holding license number 199770.
3. Respondent Marsha Widener (“Widener”) is a licensed bail bondsman in the State of Oklahoma holding license number 199445.

FINDINGS

1. On or about April 23, 2011, an appearance bond was executed as follows:

Defendant:	James Odis Wright
Case Number(s):	CF-03-6929
City/County:	Oklahoma County
Bondsman:	Howard McClanahan
Surety:	Marsha Widener
Power Number(s):	149238-10
Bond Amount(s):	\$2,000.00

2. On May 2, 2011, the Defendant failed to appear, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued by the district court on May 24, 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. McClanahan received a copy of the Order and Judgment of Forfeiture on June 3, 2011.

4. Widener received a copy of the Order and Judgment of Forfeiture on May 31, 2011.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Widener was August 30, 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 bond was untimely paid on August 31, 2011.

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 THEREFORE ORDERED that Respondents are each fined in the amount of Four Hundred Dollars (\$400.00).

Respondents are further notified that a hearing may be requested within 30 days of the receipt of this Order concerning this action and upon such request the Insurance Department shall conduct a hearing before an independent hearing examiner. A request for hearing shall be made in writing to Natasha M. Scott, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Suite 100, Oklahoma City, Oklahoma 73112 and state the basis for requesting the hearing.

If Respondents do not request a hearing within the 30 days allotted, this Order shall be a FINAL ORDER on the 31st day following the receipt of the Order, and the fines ordered herein shall be due to the Oklahoma Insurance Department.

WITNESS My Hand and Official Seal this 3rd day of October, 2011.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Natasha M. Scott
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 521-2746
Fax (405) 521-0125

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Order was mailed certified, return receipt requested on this 3rd day of October, 2011, to:

Howard McClanahan
P.O. Box 1631
Idabel, OK 74745-1631

Marsha Widener
P.O. Box 882
Oklahoma City, OK 73101-0882



Natasha M. Scott

U.S. Postal ServiceTM
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OFFICIAL USE

7008 1830 0003 9411 3899

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	



Total
 Sent
 Street or PO
 City

Howard McClanahan
 P.O. Box 1631
 Idabel, Ok 74745-1631
 sms/11-0957-DIS/Cond. Ord.

PS Form 3800, August 2006

See Reverse for Instructions

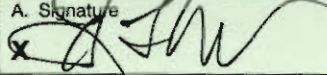
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

Howard McClanahan
 P.O. Box 1631
 Idabel, Ok 74745-1631
 sms/11-0957-DIS/Cond. Ord.

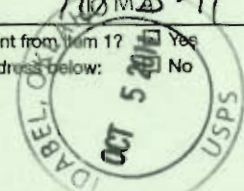
COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

OCT 03 2011
 Legal Division



3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7008 1830 0003 9411 3899

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



PATRICIA PRESLEY
OKLAHOMA COUNTY COURT CLERK

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
SEP 06 2011
MAILROOM

TIMOTHY E. RHODES
CHIEF DEPUTY

Dept Case No. _____ SBS Tracking ID No. 29483

Above for Oklahoma Insurance Department use only

NOTICE OF NON-PAYMENT OF BOND FORFEITURE

Date SEPTEMBER 2, 2011

Attn: Licensing / Anna
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, OK 73112-4511

Re: State of Oklahoma vs. JAMES ODIS WRIGHT III

OKLAHOMA COUNTY

Case Number CF-2003-6929

To Whom It May Concern:

Pursuant to 59 O.S. §1332, we are formally notifying your office that the bondsman, (name) MARSHA WIDENER (license 199445, and his/her surety (name), HOWARD MCCLANAHAN have failed to pay the forfeiture in the above captioned case in the amount of \$2,000.00 regarding Power Number 149238--10 (if applicable) which was forfeited by the District Court on THE 2ND DAY OF MAY 2011 ✓ The statutory 91st day from receipt of notice/ mailing would have occurred 30TH DAY OF AUGUST 2011 ✓. The bond was executed on THE 23RD DAY OF APRIL 2011. ✓

199770

Attached you will find a certified copy of the Order and Judgment of Forfeiture, which was mailed on THE 24TH DAY OF MAY 2011 ✓ and proof of mailing to the bondsman, which was received by the bondsman on THE 31ST DAY OF MAY 2011 and, if applicable, his/her surety, which was received on by the surety on THE 3RD DAY OF JUNE 2011, as required by law.



RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
SEP 07 2011
Agent Licensing Division

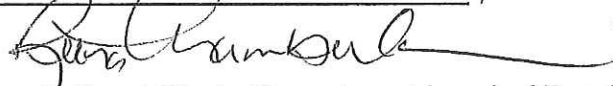
Bond forfeiture payment was remitted and deposited on the 31st day of August which is the 92nd day from the bondsman's receipt of notice of bond forfeiture.

Submitted by:

PATRICIA PRESLEY District Court Clerk

OKLAHOMA COUNTY, Oklahoma (Seal)

By



Deputy Court Clerk, Department head of Bond Forfeiture Department.

Telephone number - (405) 713-1726

Note – Please also attach certified copies of the docket sheet, appearance bond, power of attorney, and any Motions and Orders that pertain to the bail bond forfeiture. Thank you.

(Rev 08/01/2011)

NUTT BAIL BONDS

7 MICKY MANTLE DR. #385

OKC, OK 73104

(405) 235-1997 or (405) 232-5644



D.O.B. 4.5.79
LIC. # 199445

FILED IN THE DISTRICT COURT
APPEARANCE BOND
OKLAHOMA COUNTY, OKLA.

STATE OF OKLAHOMA, OKLAHOMA COUNTY, ss:
Plaintiff,

MAY 03 2011

Case No. Cf03-6929

Vs. James Odis Wright
Defendant, by Patricia Presley COURT CLERK
Maisha Wiedner DEPUTY

Know all men by these presents, that we above named defendant, as principal, and the undersigned HOWARD MCCLANAHAN (Professional) and Maisha Wiedner (SURETY), as surety(ies), personally appeared before the undersigned authority and jointly and severally acknowledged themselves to be indebted to the State of Oklahoma in the sum of Two Thousand Dollars (\$ 2000) good and lawful money of the United States, to which payment well and truly to be made we bind ourselves, our assigns, heirs, executors and administrators jointly and severally, firmly by the presents.

The conditions of this bond are such that, if the above named defendant, who has been committed to the county jail of Oklahoma County, State of Oklahoma, shall personally appear before the District Court of said County on the 29 day of April, 2011, at 1:50 o'clock PM, of said day and from term to term, and from day to day of each term. To answer a charge preferred against him for the offense of USS

and shall not depart the said Court without leave and shall obey any order issued by said Court, then this bond shall be void; otherwise, this bond shall remain in full force and effect.

Witness our hands and seals this 23 day of April, 2011.

DEFENDANT: X James Wright ADDRESS: X 3434 Spencer Lake Dr

SURETY: HOWARD MCCLANAHAN (PROFESSIONAL) ADDRESS: P.O. 1631 IDABEL, OK 74745

SURETY: Maisha Wiedner ADDRESS: P.O. 104 OKC, OK 73101

TAKEN, SUBSCRIBED AND ACKNOWLEDGED this _____ day of _____

ACCEPTED PURSUANT TO ADMINISTRATIVE ORDER AD7-87-10. Judge

Court Clerk

This undertaking approved this _____ day of _____, 20____ Court Clerk / Deputy / Judge of District Court

AFFIDAVIT AS TO UNDERTAKING

STATE OF OKLAHOMA, OKLAHOMA COUNTY, ss:

The undersigned, being first duly sworn upon oath, says that he is a resident of Oklahoma County, State of Oklahoma and that neither he nor anyone for his use has received or been promised any security or consideration for making this undertaking, except as hereinafter specified under one or more of the following, to wit:

1. In consideration for this undertaking a \$ 200 premium was charged.
2. Other security received or promised for making this undertaking, is as follows: INDEMNITY AGREEMENT AND PROMISSORY NOTE
3. Such promise, security or consideration was received from: DEFENDANT ET AL Garad Baber 509 N Bath OKC OK 73104

I understand that any willful misstatement relating to the security or consideration promised or given shall make me liable to the same prosecution and penalty as one who commits perjury.

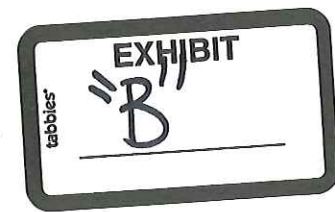
AFFIANT: Maisha Wiedner ADDRESS: P.O. BOX 104 OKC, OK 73101

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ day of _____, 20____
My Commission No. _____ Expires: _____

Court Clerk / Notary Public

I, PATRICIA PRESLEY, Court Clerk for Oklahoma County, Okla., hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as recorded in the District Court Office of Oklahoma County, Okla., this 23 day of April, 2011.

By Patricia Presley Deputy



NOT TO EXCEED \$ 10,000 POWER OF ATTORNEY

VOID IF USED WITH OTHER POWERS OF THIS COMPANY

KNOW ALL MEN BY THESE PRESENTS:

No 149238--10 FORT TOWSON

That I, Howard L. McClanahan, of Fort Towson, Oklahoma, Choctaw County, State of Oklahoma, have made and constituted and appointed by these presents do make, constitute and appoint the below named agent, my true and lawful attorney, for me and in my name, place and stead, and to my use, as my employee and agent to write professional bonds, to sign my name, by him, in the execution of any and all bonds made as my agent, giving my said attorney full power to do everything whatsoever requisite and necessary to be done in the premises as fully as I could do if personally present, hereby ratifying and confirming all that my said attorney shall lawfully do, or cause to be done, by virtue hereof. All this provided this Power-Of-Attorney is filed with the bond and retained as a part of the court records, the said Attorney-In-Fact is hereby authorized to insert in this Power-Of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS THEREOF: I, Howard L. McClanahan, Professional Bondsman, affix my signature.

for the purpose this 23 day of April 2011

Howard L. McClanahan

Howard L. McClanahan
Professional Bondsman

Case Number CF03-6929

Bond Amount \$ 2000 Appearance Date 4.29.11

Defendant James Odis Wright III DOB 4.5.79

Court OKC City OKC State OK

Offense VSS

Executing Agent mpasha winderer Prem. Amt. \$ 200

Rewrite Old Power No. _____ Posted By _____ Original Bond Amount \$ _____ Date Posted _____

+ Increase Amount \$ _____ - Decrease Amount \$ _____ (0) Same _____ Posted By _____ New Bond \$ _____ D/P _____



RICT COURT OF OKLAHOMA COUNTY, STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,
PLAINTIFF,

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

VS.

MAY 24 2011

CASE NO. CF-2003-6929

JAMES ODIS WRIGHT III,
DEFENDANT

PATRICIA PRESLEY, COURT CLERK
by [Signature]
DEPUTY

ORDER AND JUDGMENT OF FORFEITURE

On the 2ND day of MAY 2011, the above cause came on for hearing, according to regular assignment of the docket of this Court.

THE COURT FINDS that the above named defendant having heretofore been charged with the crime of VIOLATION OF SUSPENDED SENTENCE, committed to bail in the amount of \$2,000.00 was released on Appearance bond executed by MARSHA WIDENER as bondsman and HOWARD MCCLANAHAN as surety, power as 149238--10 (if applicable) his insurer; said bond conditioned as provided by law for the appearance of said defendant before this court as required, and the Court having ordered said defendant to appear on the 2ND day of MAY 2011, and said defendant, being called three times in open court without sufficient excuse, failed to appear before the Court as ordered.

THE COURT FURTHER FINDS that said bondsman had due and legal notice as provided by law of the required appearance of said defendant.

THE COURT FURTHER FINDS that the conditions of said Appearance Bond have been broken by both defendant and said bondsman, and that an Order and Judgment of Forfeiture should be entered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Appearance Bond of said defendant be, and the same is hereby declared and is ordered forfeited to the State of Oklahoma, and the amount of said bond is ordered paid to the Clerk of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court Clerk shall immediately mail a copy of this Order and Judgment of Forfeiture to the bondsman and, if applicable, his insurer. The bondsman is hereby directed to deposit with the Court Clerk, the face amount of the said forfeited bond, to wit: \$2,000.00 such deposit to be made within 91 days from receipt of this Order and Judgment of Forfeiture, or the mailing of the notice if no receipt is made.

[Signature]
JUDGE OF THE DISTRICT COURT
JUDGE RUSSELL D. HALL

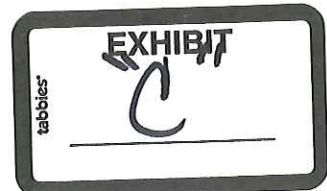
CERTIFICATE OF MAILING

I certify that I mailed a true and correct copy of this instrument to the above named bondsman, and, if applicable, his insurer to the last known address of each, by certified mail with return receipt requested this 24 day of May, 2011.

PATRICIA PRESLEY, COURT CLERK

By [Signature]

I, PATRICIA PRESLEY, Court Clerk for Oklahoma County, Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out and of records in the District Court Clerk's Office of Oklahoma County, Okla., this 24 day of May, 2011.
By [Signature] PATRICIA PRESLEY, Court Clerk
Deputy



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CERTIFIED MAIL RECEIPT**
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OFFICIAL USE

Postage \$ MAY 24 2011
 Certified Fee **PATRICIA PRESLEY COURT CLERK**
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required) DEPUTY

To: **MARSHA WIDENER**
 Sent **PO BOX 882**
 City **OKLAHOMA CITY, OK 73101**

PS Form 3800, August 2009

9592 9465 2000 029T 0T02

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**
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Postage \$ MAY 24 2011
 Certified Fee **PATRICIA PRESLEY COURT CLERK**
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required) DEPUTY

To: **HOWARD MCCLANAHAN**
 Sent **PO BOX 1631**
 City **#3 WASHINGTON STREET**
IDABEL, OK 74745

PS Form 3800, August 2009

9592 9465 2000 029T 0T02

2. Article Number 7010 1670 0002 5948 7856
 (Transfer from service)
 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

J. WRIGHT III
CF 03-6925
MARSHA WIDENER
PO BOX 882
OKLAHOMA CITY, OK 73101

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent
 B. Received by (Printed Name) MARSHA WIDENER Addressee
 C. Date of Delivery MAY 24 2011
 D. Is delivery address different from item 2? Yes
 If YES, enter the full address below: FILED IN THE DISTRICT COURT OKLAHOMA COUNTY, OKLA.

3. Service Type US MAIL
 Certified Mail Registered Mail Restricted Delivery for Merchandise
 Restricted Delivery (Extra Fee) Yes

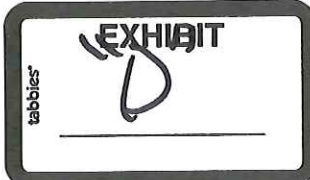
2. Article Number 7010 1670 0002 5948 7863
 (Transfer from service)
 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

J. WRIGHT III
CF 03-6925
HOWARD MCCLANAHAN
PO BOX 1631
#3 WASHINGTON STREET
IDABEL, OK 74745

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent
 B. Received by (Printed Name) HOWARD MCCLANAHAN Addressee
 C. Date of Delivery MAY 24 2011
 D. Is delivery address different from item 2? Yes
 If YES, enter delivery address below: FILED IN THE DISTRICT COURT OKLAHOMA COUNTY, OKLA.

3. Service Type US MAIL
 Certified Mail Registered Mail Restricted Delivery for Merchandise
 Restricted Delivery (Extra Fee) Yes



Insurance Commissioner
 Oklahoma Insurance Department
 5 Corporate Plaza
 3625 N.W. 56th St., Suite 100
 Oklahoma City, OK 73112-4511

■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Marsha Widener
 P.O. Box 882
 OKC, OK 73101-0882
 sms/11-0957-DIS/Cond. Ord.

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)

7008 1830 0003 9411 3882

PS Form 3811, February 2004

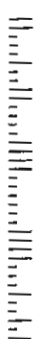
Domestic Return Receipt

102595-02-M-1540

7008 1830 0003 9411 3882



Marsha Widener
 P.O. Box 882
 OKC, OK 73101-0882



PS Form 3800, August 2006
 See Reverse for Instructions

7008 1830 0003 9411 3882

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total P.	

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 JAN 04 2012



ZIP 73112 \$ 006.43
 02-3M
 0001363374 OCT 03 20