

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
JUN 15 2011

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

INSURANCE COMMISSIONER
OKLAHOMA

CASE NO. 11-0672-DIS

And

LORI J. BURTON, 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 Raymond Merrill ("Merrill") is a licensed professional bail bondsman in
the State of Oklahoma holding license number 199369.

3. Respondent Lori J. Burton ("Burton") became a licensed bail bondsman in the State
of Oklahoma, assigned license number 199806, on February 23, 1993. Burton voluntarily
surrendered her license on January 31, 2011.

FINDINGS

1. On or about October 13, 2010, an appearance bond was executed as follows:

| | |
|------------------|--------------------|
| Defendant: | Ricky Bob Lafaunce |
| Case Number(s): | CM-07-524 |
| City/County: | Garvin County |
| Bondsman: | Lori J. Burton |
| Surety: | Raymond Merrill |
| Power Number(s): | 19000 |
| Bond Amount(s): | \$1,000.00 |

2. On January 28, 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 February 18, 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. Burton received a copy of the Order and Judgment of Forfeiture on February 19, 2011.

4. Merrill received a copy of the Order and Judgment of Forfeiture on February 22, 2011.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Shepherd was May 21, 2011. However that date occurred on a Saturday; thus, the ninety-first (91st) day became Monday, May 23, 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.

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 Two Hundred Dollars (\$200.00).

Respondents are further notified that he may request a hearing 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 and shall be withdrawn from the deposit of Respondent Merrill.

WITNESS My Hand and Official Seal this 15th day of June, 2011.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Natasha M. Scott".

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 15th day of June, 2011, to:

Raymond Merrill
104 N. Oak St.
Sallisaw, OK 74955-4638

CERTIFIED MAIL NO:
7008 1830 0003 9411 7897

Lori J. Burton
P.O. Box 715
Purcell, OK 73080

CERTIFIED MAIL NO:
7008 1830 0003 9411 7903


Natasha M. Scott

7008 1830 0003 9411 7897

U.S. Postal Service™
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OFFICIAL USE

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

Total Postage Raymond Merrill
 Sent To 104 N. Oak St.
 Sallisaw, OK 74955-4638
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4 11-0672-DIS/NMS(mt)
 Cond Admin Ord

7008 1830 0003 9411 7903

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

Total Postage & Lori J. Burton
 Sent To P.O. Box 715
 Purcell, OK 73080
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4 11-0672-DIS/NMS(mt)
 Cond Admin Ord

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|---|--|
| <ul style="list-style-type: none"> 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. | | A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee DEBRA K. HAMILTON | |
| 1. Article Addressed to: Raymond Merrill 104 N. Oak St. Sallisaw, OK 74955-4638 11-0672-DIS/NMS(mt) Cond.Admin.Ord | | B. Received by (Printed Name) JUN 20 2011 C. Date of Delivery | |
| RECEIVED OKLAHOMA INSURANCE DEPARTMENT JUN 21 2011 Legal Division | | D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: | |
| 2. Article Number (Transfer from service label) | | 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | |
| PS Form 3811, February 2004 | | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |
| Domestic Return Receipt | | 102595-02-M-1540 | |
| 7008 1830 0003 9411 7897 | | | |

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|--|--|
| <ul style="list-style-type: none"> 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. | | A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee Terry Burton | |
| 1. Article Addressed to: Lori J. Burton P.O. Box 715 Purcell, OK 73080 11-0672-DIS/NMS(mt) Cond.Admin.Ord | | B. Received by (Printed Name) Terry Burton C. Date of Delivery JUN 17 2011 USPS | |
| RECEIVED OKLAHOMA INSURANCE DEPARTMENT JUN 21 2011 Legal Division | | D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: | |
| 2. Article Number (Transfer from service label) | | 3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | |
| PS Form 3811, February 2004 | | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |
| Domestic Return Receipt | | 102595-02-M-1540 | |
| 7008 1830 0003 9411 7903 | | | |

NOTICE OF NON-PAYMENT OF BOND FORFEITURE

Date: May 24, 2011

Oklahoma Insurance Department
Attn: Legal Division
P O Box 53408
Oklahoma City, Oklahoma 73152-3408

Re: State of Oklahoma vs. Ricky Bob Lafaunce
County of Garvin
Case Number: CM-2007-524

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

MAY 31 2011

Legal Division

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

JUN 01 2011

Dear Sir:

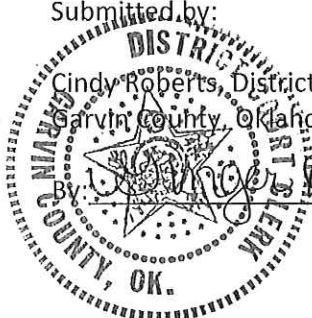
Pursuant to 59 O.S. 1332, we are formally notifying your office that the bondsman, ^{BAIL BOND} Lot Burton, and his/her surety, Raymond Merrill, have failed to pay the forfeiture in the above captioned case in the amount of \$1,000.00 regarding Power Number 19000 (if applicable) which was forfeited by the District Court on January 28, 2011. The statutory 91st day from receipt of notice/ mailing would have occurred May 24, 2011.

Attached you will find a certified copy of the Order & Judgment of Forfeiture and proof of mailing to the bondsman and, if applicable, his/her surety as required by law.

Submitted by:

Cindy Roberts, District Court Clerk
Garvin County, Oklahoma

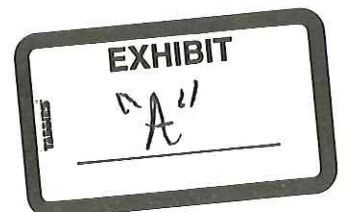
By: *Walter Dobbins*, Deputy Court Clerk



RECEIVED BY
AGENT LICENSING

JUN 06 2011

OKLAHOMA
INSURANCE DEPARTMENT



APPEARANCE BOND

STATE OF OKLAHOMA } SS.
GARVIN COUNTY

FILED

OCT 13 2010

AT 10:25 O'CLOCK A.M.
BY KAY BREWER, Court Clerk
BOOK _____ DEPUTY _____
Page _____

S.A.&I. 408 (1993)

IN THE DISTRICT COURT OF GARVIN COUNTY, STATE OF OKLAHOMA

State of Oklahoma, Plaintiff, Case No. CM 09-524
vs. Ricky Bob Lafauce Defendant,

Know all men by these presents, that we the above named defendant, as principal, and the undersigned Leri J. Burton Agent for Raymond Merrill, 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 One Thousand Dollars (\$ 1,000.00) 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 these presents.

The conditions of this bond are such that, if the above named defendant, who has been committed to the county jail of Garvin County, State of Oklahoma, shall personally appear before the District Court of said County on the 13th day of October, 2010, at 1:30 o'clock P.M. 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 Motion to Accelerate 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 13th day of October, 2010.
[Signature] Principal 809 SE 67th Oak Address
Leri J. Burton Surety P.O. Box 915 Pucell, OK 73080 Address
Raymond Merrill Surety 104 N. Oak Sallisaw, OK 74955 Address

TAKEN, SUBSCRIBED AND ACKNOWLEDGED, this 13th day of October, 2010.
Kay Brewer Court Clerk _____ Sheriff
Kelley Garman Deputy _____ Deputy

This undertaking approved this 13th day of October, 2010.
KAY BREWER Court Clerk
Kelley Garman Deputy

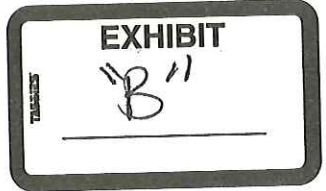


AFFIDAVIT AS TO UNDERTAKING

STATE OF OKLAHOMA, GARVIN COUNTY, SS:

The undersigned, being first duly sworn upon oath, says that he is a resident of McClain 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:

- a) Consideration for this undertaking received or promised in the sum of \$ 100.00.
- b) Other security received or promised for making this undertaking, is as follows:
Note / Written Agreement
- c) Such promise, security or consideration was received from:
Ricky Lafauce 809 SE 67th Oklahoma City, OK
Name Address



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 Lori J. Burton Address P.O. Box 715, Pucell, OK 73080

Subscribed and sworn to before me this 13th day of October, 2010

(SEAL)



KAY BREWER

Court Clerk

Kevin Jarman

Deputy

QUALIFICATION OF SURETY

12 O.S. 1991, §62

Amount of Bond

\$ _____

STATE OF OKLAHOMA)

) SS

GARVIN COUNTY)

The undersigned surety(ies), being duly sworn upon oath state(s): That he (is)(are) a citizen of the United States, is 21 years of age or over, and is a bona fide resident of the State of Oklahoma for the period of six months immediate last past.

AFFIDAVIT FOR PROPERTY BOND

That he (is)(are) the owner(s) of the following described real property _____ situated in _____ County, State of Oklahoma, which is pledged as security for said undertaking and that the legal title of record in the County Clerk's office is held by _____ that there are liens or encumbrances against the said property in the following amount(s), _____ held by the following persons: _____ In the total amount of \$ _____.

I further swear that there are no delinquent taxes on said real property except for the years _____.

That the assessed valuation of the above described property is \$ _____
Assessed valuation on tax rolls \$ _____
Times 4 for total assessed valuation _____
Less encumbrances _____
Market value _____

WAIVER OF HOMESTEAD EXEMPTION

Comes now _____ and _____, owners of the real property described in this undertaking, and state(s) that he hereby waive(s) any homestead exemption he may hold in and to such property.

AFFIDAVIT FOR CASH BOND

I am worth, over and above all exemptions, debts, and liabilities, the sum of _____ (\$ _____) (Must be double the amount to be secured).

Surety

Surety/Bondsman

This Qualification of Surety subscribed and sworn to before me this _____ day of _____, 20 _____.

Court Clerk/Judge

Deputy Court Clerk

POWER OF ATTORNEY

Raymond L. Merrill, Professional Bondsman

\$5,500.00 POWER LIMIT

5 19000

Merrill Bonding Co.
107 East Creek
Sallisaw, OK 74955

KNOW ALL MEN BY THESE PRESENTS:

That I, Raymond L. Merrill, of Sallisaw, Sequoyah County, State of Oklahoma, have made and constituted and appointed by these present 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 every thing whatsoever requisite and necessary to be done, by virtue hereof. All this provided this Power-Of-Attorney is filed with the bond retained as 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 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 whose behalf this bond was given.

purpose this 13th day of October, 20 10

Prem. Chgd \$ 100

Bond Amount \$ 1000

Case # EM07-534

DOB 1-12-59

Collateral Not / Agreement

Offense MIA

County Garvin

Raymond L. Merrill

RAYMOND L. MERRILL, Professional Bondsman

MERRILL BONDING CO.

Defendant Leiby Debrae

Address _____ City _____ State OK

App. Date 10-13-10

Executing Agent Ray. Q. Burton

IN THE DISTRICT COURT OF GARVIN COUNTY, STATE OF OKLAHOMA

STATE OF OKLAHOMA,
 STATE OF OKLAHOMA } ss.
 GARVIN COUNTY }
 Plaintiff(s) **FILED**

VS.

RICKY BOB LAFAUNCE

FEB 18 2011
 Case No: CM-2007-00524
 AT 11:00 O'CLOCK A.M.
 BY CINDY ROBERTS, Court Clerk DEPUTY
 Defendant(s)

ORDER AND JUDGMENT OF FORFEITURE

On **January 28, 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 charged with the crime of **OPERATING A M/V WHILE UNDER THE INFLUENCE OF INTOX LIQUOR** and having been committed to bail in the amount of **\$1,000.00**, was released on an Appearance Bond executed by: **LORI BURTON**, a licensed bondsman, and if applicable to his insurer **RAYMOND MERRILL**; 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 **January 28, 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.

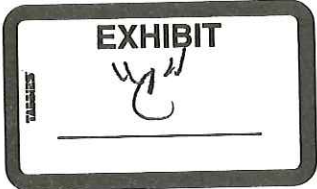
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court Clerk shall immediately mail a copy of this Order and Judgment of Forfeiture to the Bondsman and, if applicable, to his Insurer. The Bondsman, and if applicable, his surety, is hereby directed to deposit with the Court Clerk, the face amount of the said forfeited bond,

to wit: **\$ \$1,000.00**.

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.

D. H. Smith

 JUDGE OF THE DISTRICT COURT



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, on **February 18, 2011**.

CINDY ROBERTS, COURT CLERK
 Cindy Roberts DEPUTY

CERTIFICATE OF MAILING
 I, CINDY ROBERTS, Court Clerk Garvin County, Okla., hereby certify that a true and correct copy of this instrument, herewith set out as aforesaid, has been mailed to the Office of General Counsel, this **18th** day of **February**, 2011, at **11:00** o'clock **A.M.** by *Cindy Roberts* Deputy

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:
Lori Burton
P.O. Box 715
Purcell, OK 73086

CM-07524

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Agent
 Addressee

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

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

7009 3410 0000 2348 0791

Domestic Return Receipt

102505-02.M.F.11.04



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STATE OF OKLAHOMA
GARVIN COUNTY

FILED

[Track & Confirm](#)

[FAQs](#)

Track & Confirm

MAY 24 2011

AT 10:30 O'CLOCK a M.
BY CINDY ROBERTS, Court Clerk
BOOK _____ DEPUTY
Page _____

Search Results

Label/Receipt Number: 7009 3410 0000 2348 0791
Status: **Delivered**

[Track & Confirm](#)

Enter Label/Receipt Number.

Your item was delivered at 10:04 am on February 19, 2011 in PURCELL, OK 73080. A proof of delivery record may be available through your local Post Office for a fee.

[Go >](#)

Additional information for this item is stored in files offline.

[Restore Offline Details >](#)



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- 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:
 Merrill Bonding Co
 104 N. Oak
 (Ballisaw), OK 74955

CM-07524

2. Article Number
 (Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X DEBRAK. HAMILTON Agent
 Addressee

B. Received by (Printed Name)
 FEB 22 2011

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 No, 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

7009 0 3410 0000 2348 0708
 Domestic Return Receipt

102595-02-M-1640