

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

**FILED**  
NOV 02 2011  
INSURANCE COMMISSIONER  
OKLAHOMA

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

CASE NO. 11-1040-DIS

And

DAVID SCHAFFER, 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 John Burks ("Burks") is a licensed professional bail bondsman in the State of Oklahoma holding license number 199080.
3. Respondent David Schafer ("Schafer") is a licensed bail bondsman in the State of Oklahoma holding license number 185616.

**FINDINGS**

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

Defendant:

Dionel Barraza

|                  |                |
|------------------|----------------|
| Case Number(s):  | CM-11-189      |
| City/County:     | McClain County |
| Bondsman:        | John Burks     |
| Surety:          | David Schafer  |
| Power Number(s): | 4237           |
| Bond Amount(s):  | \$1,500.00     |

2. On June 23, 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 July 6, 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. Burks received a copy of the Order and Judgment of Forfeiture on July 13, 2011.

4. Schafer received a copy of the Order and Judgment of Forfeiture on July 11, 2011.

5. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture by Schafer was October 10, 2011, a holiday (Columbus Day); thus, the ninety-first 91<sup>st</sup> day became October 11, 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 (91<sup>st</sup>) day.

6. The forfeited bail bond was untimely paid on October 17, 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**

**Three Hundred Dollars (\$300.00).**

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 56<sup>th</sup> Suite 100, Oklahoma City, Oklahoma 73112 and **shall 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 31<sup>st</sup> 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 2nd day of November, 2011.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

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

Natasha M. Scott  
Assistant General Counsel  
3625 NW 56<sup>th</sup> 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 2nd day of November, 2011, to:

David Schafer  
1334 S. Green Ave.  
Purcell, OK 73080-6248

**CERTIFIED MAIL NO:**  
**7008 1830 0003 9411 9891**

John Burks  
P.O. Box 1031  
Jenks, OK 74037-1031

**CERTIFIED MAIL NO:**  
**7008 1830 0003 9411 9907**

Natasha M. Scott  
Natasha M. Scott

Dept Case No. \_\_\_\_\_ SBS Tracking ID No. \_\_\_\_\_

Above for Oklahoma Insurance Department use only

### NOTICE OF NON-PAYMENT OF BOND FORFEITURE

Date 10-12-11

RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT

OCT 17 2011

FILED IN DISTRICT COURT  
McClain County, Oklahoma

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

BAIL BOND

OCT 12 2011

Lynda Baker, Court Clerk  
by DM Deputy

Re: State of Oklahoma vs. DIONEL BARRAZA

McClain COUNTY

Case Number CM-2011-189

#### To Whom It May Concern:

Pursuant to 59 O.S. §1332, we are formally notifying your office that the bondsman, (name) David Schafer (license number) #185616, and his/her surety (name), John R. Burks have failed to pay the forfeiture in the above captioned case in the amount of \$ 1500.00 regarding Power Number #4237 (if applicable) which was forfeited by the District Court on (date) 6-23-11. The statutory 91st day from receipt of notice/ mailing would have occurred (date) 10-11-11. The bond was executed on (date) 5-26-11.

Attached you will find a certified copy of the Order and Judgment of Forfeiture, which was mailed on (date) 7-7-11 and proof of mailing to the bondsman, which was received by the bondsman on (date) 7-11-11 and, if applicable, his/her surety, which was received on by the surety on (date) 7-13-11 as required by law.

Submitted by:

Lynda Baker  
Purcell

District Court Clerk

Oklahoma

By Donna Monow - 1st Deputy

(Position)

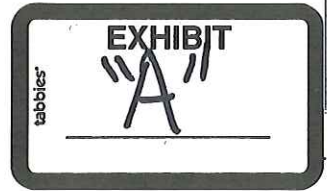
Telephone number - (405) 527-3221



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)

I, LYNDA BAKER, Court Clerk for McClain County, OK, hereby certify that the foregoing is a true, correct, and complete copy of the instrument herewith set out as appears of record in the Court Clerk's Office of McClain County, Okla.  
This 12 day of October, 2011.  
LYNDA BAKER, Court Clerk  
By DM Deputy



APPEARANCE BOND

FILED IN DISTRICT COURT

IN THE DISTRICT COURT OF MCCLAIN COUNTY, STATE OF OKLAHOMA

State of Oklahoma,

MAY 26 2011

Plaintiff,

Case No.

vs.

Lynda Baker, Court Clerk

Barraza, Dione

by Dm Deputy

~~AF 11-202~~  
CM-11-189

Defendant

Know all men by these presents, that we the above named defendant, as principal and the undersigned David L. Schafer 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 Dollars (\$ 1500<sup>00</sup>) 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 McClain County, State of Oklahoma, shall personally appear before the District Court of said County on the 27 day of May, 2011, at 9:30 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 DWI, obstruct

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 day of , 20.

X Dione Barraza Principal 14330 S. Burns #224 Address  
David L Schafer Surety 1334 S. Green Pencil Ct Address  
John R Burns Surety Bx 686 P.O. OK 73075 Address

TAKEN, SUBSCRIBED AND ACKNOWLEDGED, this 23 day of May, 2011.

Lynda Baker Court Clerk

Don Hewett Sheriff

By Donna Morrow Deputy

By Deputy

This undertaking approved this 23 day of May, 20.

Lynda Baker Court Clerk

By Donna Morrow Deputy

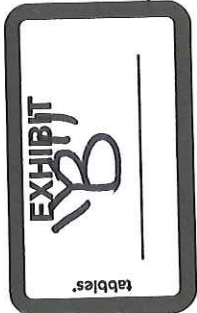


AFFIDAVIT AS TO UNDERTAKING

STATE OF OKLAHOMA, MCCLAIN 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 \$
- b) Other Security received or promised for making this undertaking, is as follows:  
NA
- c) Such promise, security or consideration was received from:  
Yuci Albe 772 Ontario way OK. City 73135  
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 Don L Self Address 1334 S. Green Purrell

Subscribed and sworn to before me this 23 day of May, 2011



Lynda Baker Court Clerk - Notary Public  
By Donna Monrow  
Deputy

**QUALIFICATION OF SURETY**  
12 Okl.St. Ann. §62

STATE OF OKLAHOMA )  
 ) SS. Amount of Bond  
 ) \$ \_\_\_\_\_  
 \_\_\_\_\_ 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.

**NOT TO EXCEED \$50,000 POWER OF ATTORNEY** VOID IF USED WITH OTHER POWERS OF THIS COMPANY  
PAULS VALLEY, OKLAHOMA

KNOW ALL MEN BY THESE PRESENTS **4237**

That I, John R. Burks, of Pauls Valley, Oklahoma, Garvin 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-Authority is filed with the bond and retained as a part of the court records, the said Attorney-In-Fact is hereby authorized to insert this Power-Of-Authority the name of the person on whose behalf this bond was given.

IN WITNESS THEREOF: I, John R. Burks, Professional Bondsman, affix my signature,

for the purpose this 23 day of May, 2011.  
John R. Burks  
**John R. Burks**  
Professional Bondsman

Case Number \_\_\_\_\_  
Bond Amount \$ 1500.00  
Defendant Buraza Druvel Appearance Date 5-27-11  
SSN [REDACTED] DOB [REDACTED]  
Court McClain City Purrell State OK  
Offense DUS  
Executing Agent Don L Self  
SPREKELMEYER PRINTING #67624-1

I, **LYNDA BAKER**, Court Clerk for McClain County, OK hereby certify that the foregoing is a true, correct, and complete copy of the instrument herewith set out as appears of record in the Court Clerk's Office of McClain County, Okla.  
This 12 day of May, 2011.  
**LYNDA BAKER**, Court Clerk  
By DM Deputy

Surety \_\_\_\_\_ Surety/Bondsman \_\_\_\_\_  
This Qualification of Surety subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
Court Clerk/Judge Lynda Baker Deputy Court Clerk by \_\_\_\_\_ Deputy

IN THE DISTRICT COURT OF MCCLAIN COUNTY, STATE OF OKLAHOMA

STATE OF OKLAHOMA,

Plaintiff(s)

VS.

CM-2011-00189

DIONEL BARRAZA

Defendant(s)

FILED IN DISTRICT COURT  
McClain County, Oklahoma  
JUL 06 2011  
Lynda Baker, Court Clerk  
by \_\_\_\_\_, Deputy

ORDER AND JUDGMENT OF FORFEITURE

On JUNE 23RD, 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 DUS, OBSTRUCTING AN OFFICER, NO INS. and having been committed to bail in the amount of \$ \$1,500.00, was released on an Appearance Bond executed by: DAVID SCHAFER , a licensed bondsman, and if applicable to his insurer

JOHN R. BURKS; 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 JUNE 23RD, 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 is hereby directed to deposit with the Court Clerk, the face amount of the said forfeited bond.

to wit: \$ \$1,500.00

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

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 the 6 day of July, 2011.

BY: *[Signature]* LYNDA BAKER, COURT CLERK DEPUTY

91 7108 2133 3936 4314 3108

91 7108 2133 3936 4314 3092



I, LYNDA BAKER, Court Clerk for McClain County, OK hereby certify that the foregoing is a true, correct, and complete copy of the instrument herewith set out as appears of record in the Court Clerk's Office of McClain County, Okla. This 06 day of July, 2011.  
LYNDA BAKER, Court Clerk  
By \_\_\_\_\_, Deputy





CM-11-189

Date Produced: 07/18/2011

FILED IN DISTRICT COURT  
McClain County, Oklahoma

AUG 02 2011

Lynda Baker, Court Clerk  
by DM Deputy

MCCLAIN COUNTY COURT CLERK

The following is the delivery information for Certified Mail™ item number 7108 2133 3936 4314 3092. Our records indicate that this item was delivered on 07/13/2011 at 11:56 a.m. in PAULS VALLEY, OK, 73075. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

P.O. Box 686

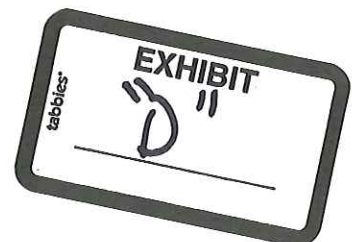
Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 3139079 36054443CM11189





CM-11-189

Date Produced: 07/18/2011

FILED IN DISTRICT COURT  
McCain County, Oklahoma

AUG 02 2011

Lynda Baker, Court Clerk  
by DM, Deputy

MCCLAIN COUNTY COURT CLERK

The following is the delivery information for Certified Mail™ item number 7108 2133 3936 4314 3108. Our records indicate that this item was delivered on 07/11/2011 at 02:07 p.m. in PURCELL, OK, 73080. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

1334 S. Green  
Purcell OK  
73080

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 3139079 36054443CM11189

**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:

David Schafer  
1334 S. Green Ave.  
Purcell, OK 73080 -6248  
11-1040-DIS/NMS(mt) Cond.Admin.Ord

2. Article Number

(Transfer from service label)

7008 1830 0003 9411 9891

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*David Schafer*  
David Schafer

- 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

OKLAHOMA INSURANCE DEPARTMENT

NOV 09 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

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

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

Total Postage & **David Schafer**

Sent To **1334 S. Green Ave.**

**Purcell, OK 73080 -6248**

Street, Apt. No.;  
or PO Box No. **11-1040-DIS/NMS(mt) Cond.Admin.Ord**

City, State, ZIP+4

NOV 02 2011  
Postmark Here

PS Form 3800, August 2006 See Reverse for Instructions

7686 1146 0000 0003 9411 9891

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7008 1830 0003 9411 9907

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

NOV 02 2011

Postmark  
Here

OK 73105

Total Postage

Sent To **John Burks**  
**P.O. Box 1031**  
**Jenks, OK 74037-1031**

Street, Apt. No.,  
or PO Box No.

City, State, ZIP

**11-1040-DIS/NMS(mt) Cond.Admin.Ord**

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:

John Burks  
 P.O. Box 1031  
 Jenks, OK 74037-1031

11-1040-DIS/NMS(mt) Cond. Admin. Ord

RECEIVED  
 OKLAHOMA INSURANCE DEPARTMENT  
 NOV 14 2011  
 Legal Division

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]*  Agent  Addressee

B. Received by (Printed Name): *MIKE COOP* C. Date of Delivery: *NOV 09 2011*

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

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 9907