

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

FILED

APR 24 2012

INSURANCE COMMISSIONER
OKLAHOMA

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

Petitioner,)

v.)

Case No. 11-1087-DIS

WILLIAM MATTHEW BUTLER, 199477, a)
Licensed Bail Bondsman in)
State of Oklahoma,)

Respondent.)

ADMINISTRATIVE ORDER

The above referenced matter was set for hearing on December 7, 2011, at the office of the Oklahoma Insurance Department. Oklahoma Insurance Commissioner John D. Doak appointed the undersigned independent hearing examiner to preside over the matters involved in this case as a quasi-judicial officer. The parties prior to the hearing date stipulated to the facts involved and waived the presentation of witnesses and submitted the issues of facts for the independent hearing examiner's consideration of the applicable law as applied to the stipulated facts. Both parties submitted legal briefs on the legal issues involved.

FINDINGS OF FACT

1. The Insurance Commissioner has full power and authority to administer the provisions of the Oklahoma Bail Bond Code, 59 O.S. § 1201-1340. Respondent is a licensed bondsman in the State of Oklahoma holding license number 199477.

2. On November 10, 2011, Respondent/licensee Butler entered an Alford plea to one Count of Attempted Possession of a Controlled Dangerous Substance in violation of 63 O.S. § 2-402 in case number CF-2011-446 in the District Court of Creek County, State of Oklahoma and was sentenced.

3. At the hearing on November 10, 2011, Respondent/licensee Butler under oath, agreed there was a factual basis upon which he entered his Alford plea.

4. On November 21, 2011, Petitioner issued a Notice of Hearing and Order to Show Cause with Suspension Instantly in the above referenced case. Respondent's license was suspended immediately. His license has remained suspended pending the outcome of this examiner's ruling.

5. Both parties stipulated to the facts and in particular that Respondent had entered an Alford plea as set forth in Finding No. 2. Both parties submitted legal briefs on the issues involved for the examiner's consideration.

6. The hearing examiner additionally received the stipulated facts, briefs and copies of the Respondent's Judgment and Sentence, transcript of Respondent's entering of his Alford plea, and the plea and sentencing paperwork from case CF-2011-446 from the District Court of Creek County, State of Oklahoma.

CONCLUSION OF LAW

1. The Insurance Commissioner of the Oklahoma Department of Insurance has jurisdiction over this matter pursuant to 59 O.S. § 1302. The proceeding has been conducted in accordance with the applicable provisions of the Administrative Procedures Act, 75 O.S. § 250-323, and the Oklahoma Bail Bond Code, 5 O.S. § 1301-1340.

2. Respondent/licensee's entering of an Alford plea is a type of nolo contendere plea in Oklahoma. There has to be a factual basis for the entering of an Alford plea and there was in this case. The Court finds the plea entered by William Matthew Butler on November 10, 2011 in the District Court of Creek County, State of Oklahoma in case CF-2011-446 was an Alford plea which constitutes a type of nolo contendere plea in Oklahoma. That plea entered by Respondent/licensee constitutes a violation of 59 O.S. § 1310 (A) (2) and 59 O.S. § 1310 (A) (5).

3. The allegations as asserted by the Insurance Commissioner are true and correct.

ORDER

The findings and actions of the Insurance Commissioner are affirmed. The suspension of bail bond license No. 199477 issued to William Matthew Butler is upheld. In addition, the costs of this action in the amount of Two Hundred Fifty Dollars (\$250.00) are assessed to the Respondent.

WITNESS my hand and Official Seal this 23rd day of April, 2012.

JOHN D. DOAK
INSURANCE COMMISSIONER



STATE OF OKLAHOMA

John D. Miller

JOHN D. MILLER, Hearing Examiner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing *Administrative Order* was mailed certified, return receipt requested, on this 24th day of April, 2012, to:

William Matthew Butler
14095 North 240 Road
Okmulgee, OK 74447

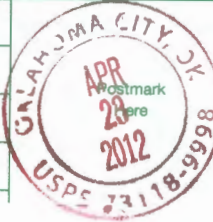
Kenneth Butler, Attorney
P.O. Box 1021
Okmulgee, OK 74447

U.S. Postal Service
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 (Domestic Mail Only; No Insurance Coverage Provided)

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7001 0320 0004 4250 4097

Postage	\$
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Return Receipt Fee (Endorsement Required)	
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 sms/11-1087-DIS/Admin. Ord.

PS Form 3800, January 2001 See Reverse for Instructions

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- 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:

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 OKMULGEE, OK DEPARTMENT OF LEGAL DIVISION

Kenneth Butler, Attorney
 P.O. Box 1021
 Okmulgee, Ok 74447
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COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Kenneth Butler

B. Received by (Printed Name) Agent Addressee
 KENNETH BUTLER

C. Date of Delivery

2. 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
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4. Restricted Delivery? (Extra Fee) Yes

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OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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1. Article Addressed to:

William Matthew Butler
14095 North 240 Road
Okmulgee, Ok 74447
sms/11-1087-DIS/Admin. Ord.

OKLAHOMA INSURANCE DEPARTMENT

MAY 01 2012

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (*Printed Name*)

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Legal Division

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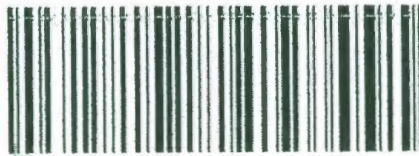
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Okmulgee, Ok 74447
sms/11-1087-DIS/Admin. Ord.

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