

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

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

Case No. 12-0358-DIS

**FILED**

MAY 02 2012

INSURANCE COMMISSIONER  
OKLAHOMA

**ADMINISTRATIVE ORDER OF SUSPENSION INSTANTER**

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. §§ 101-7301, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1340.

2. Respondent Billy Dismuke ("Respondent") is a licensed bail bondsman in the State of Oklahoma holding license number 144708.

**FINDINGS OF FACT**

**Respondent's February 2012 Safety National Report**

1. On March 15, 2012, Respondent submitted to the Oklahoma Insurance Department ("Department") his February 2012 surety bondsman report for his appointment with Safety National Casualty Corporation ("Safety National").

2. This report incorrectly indicated that Respondent owed \$80.00 as payment of his renewal fee and ok.gov fee. Respondent paid this amount by electronic funds transfer (EFT). The

correct amount owed by Respondent was \$382.50.

3. In addition to paying the incorrect amount, the State Treasurer's office charged the EFT back to the Department as "insufficient."

4. On March 15, 2012, and March 28, 2012, Department staff sent two letters to Respondent, via email and certified mail, informing him that the amount paid was both incorrect and insufficient, that a \$25 service fee was being assessed on the insufficient EFT, and instructing Respondent to replace the funds within five (5) days of receipt of the letter. Respondent received both letters on April 4, 2012.

5. As of the date of this Order, Respondent has not replaced the funds or responded to the letters.

6. The total amount owed to the Department as payment for Respondent's February 2012 Safety National report is Four Hundred Seven Dollars and Fifty Cents (\$407.50).

#### **Tracy Bias' February 2012 Safety National Report**

7. On March 15, 2012, Respondent paid by EFT the reviewal fee and ok.gov fee for Tracy Bias' February 2012 Safety National report in the amount of \$47.99.

8. The State Treasurer's office charged this EFT back to the Department as "insufficient."

9. On March 28, 2012, Department staff sent a letter to Respondent, via email and certified mail, informing him of the insufficient EFT, that a \$25 service fee was being assessed, and instructing Respondent to replace the funds within five (5) days of receipt of the letter. Respondent received the letter on April 4, 2012.

10. As of the date of this Order, Respondent has not replaced the funds or responded to

the letter.

11. The total amount owed to the Department as replacement for the insufficient EFT is Seventy-Two Dollars and Ninety-Nine Cents (\$72.99).

**Respondent's February 2012 Fairmont Specialty Report**

12. On March 15, 2012, Respondent submitted to the Department his February 2012 surety bondsman report for his appointment with Fairmont Specialty Insurance Company ("Fairmont Specialty"). Respondent paid an ok.gov fee for this report in the amount of \$3.00.

13. The State Treasurer's office charged this EFT back to the Department as "insufficient."

14. On March 28, 2012, Department staff sent a letter to Respondent, via email and certified mail, informing him of the insufficient EFT, that a \$25 service fee was being assessed, and instructing Respondent to replace the funds within five (5) days of receipt of the letter. Respondent received the letter on April 4, 2012.

15. As of the date of this Order, Respondent has not replaced the funds or responded to the letters.

16. The total amount owed for Respondent's February 2012 Fairmont Specialty report is Twenty-Eight Dollars (\$28.00).

17. Respondent has a significant history of submitting insufficient funds to the Department.

18. Respondent has a significant history of failing to respond to properly mailed notifications from the Department.

19. The Insurance Commissioner hereby finds that the conduct of the Respondent is such

that it may be a detriment to the public.

20. The Insurance Commissioner hereby finds that the condition and actions of the Respondent are such that the public health, safety, and welfare imperatively require emergency action.

21. The Insurance Commissioner hereby finds that Respondent has demonstrated incompetency in the conduct of affairs under his license.

### **CONCLUSIONS OF LAW**

1. The allegations are found to be true and correct, and Respondent has violated 59 O.S. § 1310(A)(27) by uttering insufficient funds to the Insurance Commissioner.

2. Respondent has violated 59 O.S. § 1310(A)(21) for failing to respond to a properly mailed notification within a reasonable amount of time.

3. Pursuant to 59 O.S. § 1310(A), the Insurance Commissioner may suspend the license of any bail bondsman for any of the above violations.

4. Pursuant to 59 O.S. § 1310(A)(9), the Insurance Commissioner may suspend the license of a bail bondsman if he determines that the bondsman has demonstrated incompetency in the conduct of affairs under the bondsman's license.

5. Pursuant to 59 O.S. § 1311, the Commissioner may suspend the license of a bail bondsman pending a hearing, if he determines that the conduct of the bondsman "is such that it may be a detriment to the public."

6. Pursuant to 75 O.S. §§ 314(C)(2) and 314.1, the Insurance Commissioner is authorized to take administrative action against Respondent on a summary and emergency basis pending proceedings for revocation or other action against the license of Respondent if the Insurance

Commissioner finds that the actions of the Respondent are such that the public health, safety and welfare imperatively requires emergency action, and incorporates a finding to that effect in his order.

**ORDER**

**IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent's bail bondsman license is hereby suspended instanter. This suspension instanter shall continue until Respondent submits to the Insurance Commissioner all outstanding fees owed.**

IT IS FURTHER ORDERED that Respondent is hereby given notice of opportunity to request a hearing within thirty (30) calendar days of receipt of this order to determine if there are any reasons why Respondent's bondsman license should not be subject to suspension. If Respondent does not request a hearing before the end of said thirty (30) day period, this order shall become a final order and said suspension shall continue in force until lifted by order of the Insurance Commissioner pursuant to the laws of the State of Oklahoma.

If Respondent requests a hearing before the Insurance Commissioner or his duly appointed hearing examiner, the proceedings shall be conducted within ten business days after receipt of the request and in accordance with the Oklahoma Bail Bond Act, OKLA. STAT. tit. 59 §§ 1301 et seq., and the Oklahoma Administrative Procedures Act, OKLA. STAT. tit. 75, §§ 250 et seq.

WITNESS My Hand and Official Seal this 1<sup>st</sup> day of May, 2012.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

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Paul Wilkening  
First Deputy Commissioner



**CERTIFICATE OF MAILING**

I, William G. Combs, hereby certify that a true and correct copy of the above and foregoing *Administrative Order of Suspension Instante* was mailed postage prepaid with return receipt requested on this 2<sup>nd</sup> day of May, 2012, to:

Billy Dismuke  
217 N. Harvey Ave., Suite 203  
OKC, OK 73102-3803



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William G. Combs  
Assistant General Counsel  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Street  
Oklahoma City, OK 73112-4511  
Phone 405-521-2746  
Fax 405-522-0125

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

OFFICIAL USE

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



7001 0320 0004 4250 2192

**Total Postage** Billy Dismuke  
 Sent To 217 N. Harvey, Suite 203  
 Street, Apt. No. OKC, OK 73102-3803  
 or PO Box No. sms/12-0358-DIS/Admin. Ord.  
 City, State, ZIP

PS Form 3800, January 2001

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:

Billy Dismuke  
 217 N. Harvey, Suite 203  
 OKC, OK 73102-3803  
 sms/12-0358-DIS/Admin. Ord.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature 		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) Billy Dismuke	C. Date of Delivery MAY 07 2012	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes YES, enter delivery address below: <input type="checkbox"/> No		

Legal 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.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number  
 (Transfer from service label)

7001 0320 0004 4250 2192

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540