

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

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

Case No. 12-0396-DIS

FILED
MAY 14 2012
INSURANCE COMMISSIONER
OKLAHOMA

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

2. Tandy O'Leary ("Respondent") is a licensed bail bondsman in the State of Oklahoma holding license number 40143345.

FINDINGS OF FACT

1. On March 6, 2012, Respondent submitted six bondsman reports to the Oklahoma Insurance Department ("Department"). She paid an ok.gov fee for each report in the amount of \$3.00 by electronic funds transfer (EFT).

2. Two of the six EFTs were charged back to the Department by the Oklahoma State Treasurer's office as "insufficient."

3. On March 21, 2012, Department staff sent a letter to Respondent via email and certified mail, informing her of the unpaid amount and that a \$25.00 service fee was being assessed for each insufficient EFT. The letter also instructed that \$28.00 for the amount of each EFT and service fee be paid to the Department by cashier's check or money order within five (5) days of receipt of the letter.

4. Respondent received the letter on April 5, 2012.

5. On April 13, 2012, Respondent replaced one of the insufficient EFTs with USPS money order number 19949835047.

6. On April 17, Department staff sent an email to Respondent explaining that she still had one insufficient EFT outstanding. On April 19, 2012, Department staff sent respondent another similar email.

7. On May 3, 2012, Department legal staff contacted by Respondent by telephone. Respondent stated that she would be mailing to the Department a \$28.00 money order on Friday, May 4, 2012.

8. O'Leary replaced the funds by money order number 20074926756 on May 10, 2012.

CONCLUSION OF LAW

1. Respondent acted in violation of 59 O.S. § 1310(A)(27) by uttering insufficient funds to the Insurance Commissioner.

2. Respondent acted in violation of 59 O.S. § 1310(A)(21) by failing to respond to a properly mailed notification within a reasonable amount of time.

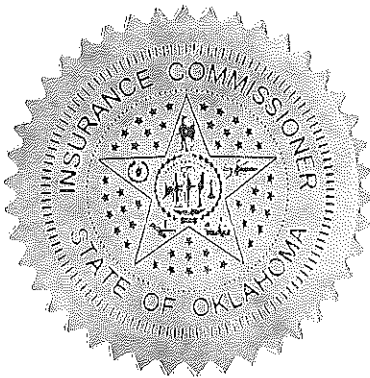
ORDER

IT IS THEREFORE ORDERED that Tandy O'Leary is censured.


IT IS FURTHER ORDERED that this Order constitutes disciplinary action and may be used in any subsequent hearings by the Insurance Department. In the event other misconduct is reported to the Department, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

Respondent is notified that she may request a hearing within 30 days of the receipt of this Order concerning this action and upon such request the Oklahoma Insurance Department shall conduct a hearing before an independent hearing examiner. A request for hearing shall be made in writing to William G. "Buddy" Combs, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Suite 100, Oklahoma City, Oklahoma 73112 and **give an explanation of Respondent's actions described herein and any defenses thereto.** If Respondent does not request a hearing within the 30 days allotted, this Order shall become a **FINAL ORDER** on the 31st day following the receipt of the Order.

WITNESS My Hand and Official Seal this 14th day of May, 2012.



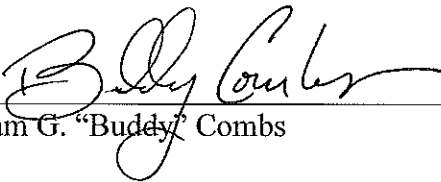
JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


William G. "Buddy" Combs
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 521-2746
Fax (405) 521-0125

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to be Heard* was mailed certified, return receipt requested, on this 14th day of May, 2012, to:

Tandy O'Leary
P.O. Box 226
Vinita, OK 74301-0226



William G. "Buddy" Combs

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL MAIL



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

Total Postage

Sent To Tandy O'Leary

P.O. Box 226

Vinita, OK 74301-0226

sms/12-0396-DIS/Cond. Ord.

Street, Apt. No. or PO Box No. City, State, Zip

PS Form 3800, January 2001

See Reverse for Instructions

7001 0320 0004 4250 2475

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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:

Tandy O'Leary
P.O. Box 226
Vinita, OK 74301-0226
sms/12-0396-DIS/Cond. Ord.

2. Article Number

(Transfer from service label)

7001 0320 0004 4250 2475

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

RECEIVED OKLAHOMA INSURANCE DEPARTMENT

JUN 08 2012

Legal Division

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

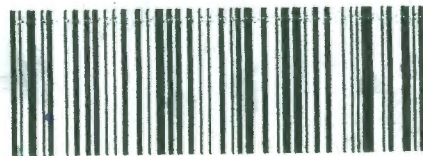
4. Restricted Delivery? (Extra Fee)

Yes



Oklahoma Insurance Department
 5 Corporate Plaza
 3625 NW 56th Street, Suite 100
 Oklahoma City, OK 73112-4511

CERTIFIED MAIL



7001 0320 0004 4250 2475



U.S. POSTAGE PITNEY BOWES



ZIP 73112 \$ 005.75⁰
 02 1W
 0001363374 MAY 14 2012



Tandy O'Leary
 P.O. Box 226
 Vinita, OK 74301-0226

1st Notice 6 11

NIXIE 731 DE 1 00 06/04/12

RETURN TO SENDER
 UNCLAIMED
 UNABLE TO FORWARD

BC: 73112451125 *2557-03446-04-32



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