

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

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,)
Petitioner,)
vs.)
DAVID KOELSCH, a licensed bail bondsman in)
the State of Oklahoma,)
AND)
JESS BARTLETT ASKINS, a licensed)
professional bail bondsman in the State of)
Oklahoma,)
Respondents.)

FILED
MAR 20 2013
INSURANCE COMMISSIONER
OKLAHOMA

CASE NO. 13-0301-DIS

**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. Respondent David Koelsch (“Koelsch”) is a licensed bail bondsman in the State of Oklahoma holding license number 40048670.
3. Respondent Jess Bartlett Askins (“Askins”) is a licensed professional bail bondsman in the State of Oklahoma holding license number 199885.

FINDINGS OF FACT

1. On or about June 6, 2010, two appearance bonds were executed as follows:

Defendant:	Carlos Breton Vejar
Case Number(s):	CF-2010-391 (counts 1 and 2)
City/County:	Canadian County
Surety:	Jess Bartlett Askins
Bondsman:	David Koelsch
Power Number(s):	10-109877 (ct. 1); 10-109878 (ct. 2)
Bond Amount(s):	\$2,500 (count 1); \$1,000 (count 2)

2. On September 5, 2012, the Defendant failed to appear, and the bond was orally declared forfeited. On September 7, 2012, an Order and Judgment of Forfeiture was issued by the court 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. Koelsch received a copy of the Order and Judgment of Forfeiture on September 10, 2012.

4. Askins received a copy of the Order and Judgment of Forfeiture on September 10, 2012.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Monday, December 10, 2012.

6. On December 3, 2012, the Canadian County District Court entered an Order to Stay Bond Forfeiture for 90 days. The new due date was Monday, March 4, 2013.

7. The Defendant was not returned to custody, nor was the face amount of the forfeited bond deposited with the Court Clerk on or before March 4, 2013.

8. As of the date of this Order, the bond forfeiture has not been paid or set aside or the bond exonerated.

CONCLUSIONS OF LAW

1. 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 remit payment in the face amount of the bond forfeiture within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture.

2. Pursuant to 59 O.S. § 1310(B), any bondsman violating a provision of the Bail Bond Act may be subject to a civil penalty ranging from \$250 to \$2,500.

ORDER

IT IS THEREFORE ORDERED that David Koelsch and Jess Bartlett Askins are each CENSURED and FINED Three Hundred Fifty Dollars (\$350.00).

IT IS FURTHER ORDERED that pursuant 59 O.S. § 1332 the face amount of the bonds, Three Thousand Five Hundred Dollars (\$3,500.00), shall be withdrawn from the deposit placed with the State of Oklahoma by J.B. Askins as reserve to meet sums due on forfeiture. The sums withdrawn are to be forwarded to the Canadian County Court Clerk for payment of the bond in case number CF-2010-391 (counts 1 and 2), Defendant Carlos Breton Vejar. Such sums shall not be withdrawn from the deposit of J.B. Askins if the bond forfeiture is paid or set aside within 30 days of receipt of this Order.

Respondents are further notified that they 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 Buddy Combs, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Suite 100, Oklahoma City, Oklahoma 73112, and **give an explanation of Respondents' actions alleged herein and any defenses thereto.**


If Respondents do 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, the face amount of the bond forfeiture shall be withdrawn from J.B. Askins' professional deposit and forwarded to the Canadian County Court Clerk, and the fines ordered herein shall be due.

WITNESS My Hand and Official Seal this 20th day of March, 2013.

JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA




Buddy Combs
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 521-2746
Fax (405) 522-0125

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 20th day of March, 2013, to:

David Koelsch
300 N. Choctaw Ave.
El Reno, OK 73036-2454

Certified Mail No.
7001 0320 0003 9966 7401

J.B. Askins
1221 N. Classen Blvd.
Oklahoma City, OK 73106-6891


Certified Mail No.
7001 0320 0003 9966 7395


Buddy Combs

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

OFFICIAL USE

7401 9966 0003 0320 0001

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees		
Sent To		
Street, Apt. No., or PO Box No.		
City, State, ZIP+4		

David Koelsch
 300 N. Choctaw Ave.
 El Reno, OK 73036-2454
 rlg/13-0301-DIS/Cond. Ord.

PS Form 3800, January 2004 Instructions

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. 	<p>A. Signature <input checked="" type="checkbox"/> <i>DK</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>) <i>David Koelsch</i></p> <p>C. Date of Delivery <i>3-21-13</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>David Koelsch 300 N. Choctaw Ave. El Reno, OK 73036-2454 rlg/13-0301-DIS/Cond. Ord.</p> </div>	<p style="text-align: center;">OKLAHOMA INSURANCE DEPARTMENT</p> <p style="text-align: center; font-size: 2em;">MAR 25 2013</p> <p style="text-align: center;">Legal Division</p>
	<p>3. Service Type</p> <p><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.</p>
	<p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7401 9966 0003 0320 0001</p>
PS Form 3811, February 2004	Domestic Return Receipt
	102595-02-M-1540

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

7001 0320 0003 9966 7395

OFFICIAL USE

Postage \$ _____
 Certified Fee _____
 Return Receipt Fee (Endorsement Required) _____
 Restricted Delivery Fee (Endorsement Required) _____
 Total Postage & Fees _____

Postmark Here: **MAR 20 2013**
 OKLAHOMA CITY, OK

Sent To: **J.B. Askins**
 1221 N. Classen Blvd.
 Oklahoma City, OK 73106-6891
 rlg/13-0301-DIS/Cond. Ord.

PS Form 3800, January 2004

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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>x [Signature]</i></p> <p>B. Received by (Printed Name) <i>Honny Hemby</i></p> <p>C. Date of Delivery <i>3-23-13</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>J.B. Askins 1221 N. Classen Blvd. Oklahoma City, OK 73106-6891 rlg/13-0301-DIS/Cond. Ord.</p>	<p>RECEIVED OKLAHOMA INSURANCE DEPARTMENT MAR 27 2013 Legal Division</p>
<p>2. Article Number <i>(Transfer from service label)</i></p> <p>7001 0320 0003 9966 7395</p>	<p>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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>