BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

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STATE OF OKLAHOMA, ex rel. JOHN D.)		
DOAK, Insurance Commissioner,)		JUL 29 2013
Petitioner,)		INCI IBANICE COMMISSIONIES
VS.)		INSURANCE COMMISSIONER OKLAHOMA
)		oras a roug t
ROBERTA AGUILAR, a licensed professional)	Case No.	13-0706-DIS
bail bondsman in the State of Oklahoma,)	Case Ivo.	13-0700-DIS
AND)		
DAVID SCHEVING, 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 Assistant General Counsel, Buddy Combs, 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 Roberta Aguilar ("Aguilar") is a licensed professional bail bondsman in the State of Oklahoma holding license number 199461.
- 3. Respondent David Scheving ("Scheving") is a licensed bail bondsman in the State of Oklahoma holding license number 100135002.

FINDINGS OF FACT

1. On or about February 2, 2013, an appearance bond was executed as follows:

Defendant:

Spencyr Terrance Hughes

Case Number(s):

5938538

City/County:

Tulsa Municipal

Surety:

Roberta Aguilar

Bondsman:

David Scheving

Power Number(s):

ABB-12-17019

Bond Amount(s):

\$300

2. On March 26, 2013, the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued and filed in the case on April 4, 2013. 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. Aguilar received a copy of the Order and Judgment of Forfeiture on April 9, 2013.
- 4. Scheving received a copy of the Order and Judgment of Forfeiture on April 9. 2013.
- 5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Tuesday, July 9, 2013. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture, nor was the face amount of the forfeited bond deposited with the court clerk within ninety-one (91) days.
- 6. As of July 26, 2013, the forfeited bail bond has not been paid or otherwise set aside or 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.

ORDER

IT IS THEREFORE ORDERED that Roberta Aguilar and David Scheving are <u>each</u> CENSURED.

IT IS FURTHER ORDERED that pursuant 59 O.S. § 1332 the face amount of the bond, Three Hundred Dollars (\$300.00), shall be withdrawn from the deposit placed with the State of Oklahoma by Roberta Aguilar as reserve to meet sums due on forfeiture. The sums withdrawn are to be forwarded to the Tulsa Municipal Court Clerk for payment of the bond in case number 5938538, Defendant Spencyr Terrance Hughes. Such sums shall not be withdrawn from the deposit of Roberta Aguilar if the bond forfeiture is paid or set aside within 30 days of receipt of this Order.

Respondents are 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 Street, Suite 100, Oklahoma City, Oklahoma 73112, and give an explanation of Respondent's actions described herein and any defenses thereto.

If Respondents do not request a hearing within 30 days of receipt of this Order, this Order shall become a **FINAL ORDER** on the 31st day following the receipt of the Order.

WITNESS My Hand and Official Seal this

day of July, 2013.

JOHN D. DOAK INSURANCE COM

INSURANCE COMMISSIONER

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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 day of July, 2013, to:

Roberta Aguilar 121 N. Denver Ave. Tulsa, OK 74103-1819

David Scheving 121 N. Denver Ave. Tulsa, OK 74103-1819

Buddy Combs

Name of the state	U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)				
9776	OFF	ICIAL	Odsa		
6424	Postage Certified Fee	\$	2013		
4000	Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required)		Pestifiark TO ALLO		
0350	Total Posta; Sent To	David Schevir 121 N. Denver A	ng		
7007	Street, Apt. Nor PO Box Na Tulsa, OK 74103-1819 City, State, Zi sms/13-0706-DIS/Cond Ord				
	PS Form 3800, January 20	001	se for Instructions		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
 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. 	A. Signatule X		
1. Article Addressed to: David Scheving 121 N. Denver Ave. AUC	D. Is delivery address different from item 1? CCENTRES, enter delivery address below: No SURANCE DEPARTMENT 0 6 2013		
Tulsa, OK 74103-1819 sms/13-0706-DIS/Cond Ord	3. Deep the Type Certified Mail		
2. Article Number (Transfer from service label) 7001 0320	0004 4249 9114		
PS Form 3811, February 2004 Domestic Retu	um Receipt 102595-02-M-1540		

	CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
41.02	OFF	ICIAL	USE
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20	Total Postag	Roberta Aguilo	ır
	Sent To	121 N. Denver A	
	Street, Apt. No or PO Box No. Tulsa, OK 74103-1819		
7007	City, State, ZIP sms/13-0706-DIS/Cond Ord		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
 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. 	A. Signature X Agent Addressee B. Received by (Printed Name) C. Date of Delivery S-1-13		
1. Article Addressed to: OKLAHOMA In S Roberta Aguilar 121 N. Denver Ave.	D. Is delivery address different from Item 1?		
Tulsa, OK 74103-1819 sms/13-0706-DIS/Cond Ord	Service Type Gertified Mail		
2. Article Number (Transfer from service label) 7001 0320	0004 4249 9102		
PS Form 3811, February 2004 Domestic Ret	rum Receipt 102595-02-M-1540		