

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

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

Case No. 13-0819-DIS

FILED

AUG 22 2013

**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. James Manuel (“Respondent”) is a licensed bail bondsman in the State of Oklahoma holding license number 200341.

FINDINGS OF FACT

Insufficient Electronic Funds Transfer #1

1. On July 5, 2013, Respondent submitted to the Oklahoma Insurance Department (“the Department”) his May 2013 Roche Surety & Casualty Company (“RSCC”) surety report.

2. With the report, Respondent submitted an Electronic Funds Transfer (“EFT”) of One Hundred Twenty-eight Dollars and Forty Cents (\$128.40). The Oklahoma State Treasurer charged the EFT back to the Department as “R01 - Not Sufficient Funds.”

3. On July 23, 2013, Department staff sent Respondent a letter by certified mail, with return receipt requested, requesting that the funds be replaced and a service fee of \$25.00 be paid within five days of receipt of the letter. The letter was sent to 1209 S. Main St., Stillwater, OK 74074, which was then—and is currently—his mailing address on file with the Department.

4. On July 26, 2013, “Jamie Manuel” signed for the certified letter.

5. As of the date of this Order, Respondent has not replaced the funds or responded to the Department’s certified letter.

Insufficient Electronic Funds Transfer #2

6. On July 5, 2013, Respondent submitted to the Department his May 2013 United States Fire Insurance Company (“USFIC”) surety report.

7. With the report, Respondent submitted an EFT of One Hundred Thirty-four Dollars and Twenty-eight Cents (\$134.28). The Oklahoma State Treasurer charged the EFT back to the Department as “R01 - Not Sufficient Funds.”

8. On July 23, 2013, Department staff sent Respondent a letter by certified mail, with return receipt requested, requesting that the funds be replaced and a service fee of \$25.00 be paid within five days of receipt of the letter. The letter was sent to 1209 S. Main St., Stillwater, OK 74074, which was then—and is currently—his mailing address on file with the Department.

9. On July 26, 2013, “Jamie Manuel” signed for the certified letter.

10. As of the date of this Order, Respondent has not replaced the funds or responded to the Department’s certified letter.

Insufficient Electronic Funds Transfer #3

11. On July 5, 2013, Respondent submitted to the Department his Amended May 2013

USFIC surety report.

12. With the report, Respondent submitted an EFT of Five Dollars (\$5.00). The Oklahoma State Treasurer charged the EFT back to the Department as “R01 - Not Sufficient Funds.”

13. On July 23, 2013, Department staff sent Respondent a letter by certified mail, with return receipt requested, requesting that the funds be replaced and a service fee of \$25.00 be paid within five days of receipt of the letter. The letter was sent to 1209 S. Main St., Stillwater, OK 74074, which was then—and is currently—his mailing address on file with the Department.

14. On July 26, 2013, “Jamie Manuel” signed for the certified letter.

15. As of the date of this Order, Respondent has not replaced the funds or responded to the Department’s certified letter.

Insufficient Electronic Funds Transfer #4

16. On July 15, 2013, Respondent submitted to the Department his June 2013 RSCC surety report.

17. With the report, Respondent submitted an EFT of One Hundred Seventy-three Dollars and Forty-six Cents (\$173.46). The Oklahoma State Treasurer charged the EFT back to the Department as “R01 - Not Sufficient Funds.”

18. On July 30, 2013, Department staff sent Respondent a letter by certified mail, with return receipt requested, requesting that the funds be replaced and a service fee of \$25.00 be paid within five days of receipt of the letter. The letter was sent to 1209 S. Main St., Stillwater, OK 74074, which was then—and is currently—his mailing address on file with the Department.

19. On August 1, 2013, “Jamie Manual” signed for the certified letter.

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

the Department's certified letter.

CONCLUSIONS OF LAW

1. Respondent has violated 59 O.S. § 1310(A)(27) by uttering insufficient funds to the Commissioner.
2. Respondent has violated 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 James Manuel is CENSURED and FINED Five Hundred Dollars (\$500.00).

IT IS FURTHER ORDERED that James Manuel shall replace the four insufficient EFT's and pay the service fees owed for each. The total amount owed to the Department, independent of the fine ordered above, is Five Hundred Forty Dollars and Ninety-four Cents (\$540.94). If Respondent fails to replace the funds, his license shall be SUSPENDED upon this Order becoming a Final Order, which will occur on the 31st day following his receipt of this Order if no request for hearing is made.

Respondent is further notified that he 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 Respondent's actions described herein and any defenses thereto.**

Any fine ordered herein is due and payable to the Oklahoma Insurance Department within 30

days after the date this Order becomes a Final Order.

WITNESS My Hand and Official Seal this 22nd day of August, 2013.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Buddy Combs
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 22nd day of August, 2013, to:

James Manuel
1209 S. Main St.
Stillwater, OK 74074-5846

Buddy Combs
Buddy Combs

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

OFFICIAL USE

7001 0320 0004 4249 9751

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



Sent To: **James Manuel**
 1209 S. Main St.
 Stillwater, OK 74074-5846
 sms/13-0819-DIS/Cond Ord

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:

James Manuel
 1209 S. Main St.
 Stillwater, OK 74074-5846
 sms/13-0819-DIS/Cond Ord

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Nicole Reed

B. Received by (Printed Name) *Nicole Reed* C. Date of Delivery

D. 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
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

RECEIVED
 AUG 22 2013
 OKLAHOMA INSURANCE
 Legal Division

2. Article Number (Transfer from service label) 7001 0320 0004 4249 9751