

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

FILED

NOV 27 2013

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,
Petitioner,
v.
DAVID SCHEVING, a licensed bail bondsman in the State of Oklahoma,
Respondent.

Case No. 13-0932-DIS

ADMINISTRATIVE ORDER OF SUSPENSION INSTANTER

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through his attorney, 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 et seq., and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301 et seq.

2. David Scheving is a licensed bail bondsman in the State of Oklahoma holding license number 100135002. His mailing address of record with the Oklahoma Insurance Department is 121 North Denver Avenue, Tulsa, Oklahoma 74103-1819.

3. The Insurance Commissioner may deny, censure, suspend, revoke, or refuse to renew any license issued under the Oklahoma Bail Bond Act. 59 O.S. § 1310(A).

4. If the Insurance Commissioner finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to the effect in his order,

summary suspension of a license may be ordered pending proceedings for revocation or other action. 75 O.S. §§ 314(C)(2), 314.1; OAC 365:1-7-9(a).

ALLEGATIONS OF FACT

1. On July 3, 2012, Respondent was appointed to write bail bonds by power of attorney on behalf of professional bail bondsman Russell Roberts.

2. On or about July 22, 2012, Daniel Bautista met with Respondent at the office of Mr. Roberts to discuss hiring Respondent to secure the release of Francisco Hernandez Esquibel, who was then incarcerated in the Tulsa County Jail.

3. On or about July 22, 2012, Mr. Bautista paid \$148.00 in cash to Respondent for the bond.

4. On or about July 23, 2012, Mr. Bautista, after learning that Immigration and Customs Enforcement (“ICE”) had placed a hold on Mr. Esquibel and he could not be released, went to request a refund of the \$148.00 that had been paid to Respondent.

5. Mr. Bautista discovered that the receipt for the transaction with Respondent was only for \$100.00.

6. During an inquiry by Mr. Roberts, Respondent admitted to taking for himself the extra \$48.00 not listed on the receipt. Mr. Roberts terminated Respondent’s employment and reported the matter to the Tulsa County Sheriff’s Department.

7. On November 30, 2012, Respondent was charged by Information in Tulsa County District Court case number CM-2012-5523 with one count of Embezzlement, a misdemeanor violation of 21 O.S. § 1451.

8. On August 30, 2013, Respondent entered a plea of guilty to the charge, and was convicted.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 59 O.S. § 1310(A)(5) for having entered a plea of guilty to a misdemeanor involving dishonesty or moral turpitude.
2. Respondent has violated 59 O.S. § 1310(A)(4) by misappropriating, converting, or unlawfully withholding monies belonging to an insurer, insureds, or others received in the conduct of business under the license.
3. Respondent has violated 59 O.S. § 1310(A)(6) by his fraudulent or dishonest practices in conducting business under the license.
4. Respondent violated 59 O.S. § 1310(A)(9) by demonstrating untrustworthiness and conduct or practices rendering him unfit to carry on the bail bond business and making the continuance in the bail bond business detrimental to the public interest.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner, subject to the following paragraph, that Respondent violated 59 O.S. §§ 1310(A)(4), (5), (6), and (9), and has thereby placed the welfare of the public at risk. In accordance with 75 O.S. § 314(C)(2) and OAC § 365:1-7-9, Respondent's license is **SUSPENDED EFFECTIVE IMMEDIATELY**.

Respondent may request a hearing be held regarding this emergency action pursuant to OAC 365:1-7-9(a). Such request for hearing shall be received within thirty (30) days from the date of receipt of this order. A request for hearing shall be made in writing addressed to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, 3625 NW 56th Street, Suite 100, Oklahoma City, OK 73112. Upon such request, an independent hearing examiner shall conduct the hearing. Respondent may have a court reporter transcribe the proceedings and Respondent shall be responsible for the costs. If Respondent fails to request a hearing within the

required period of time, Respondent's bail bondsman license shall be **REVOKED** on the thirty-first (31st) day after receipt of this order.

WITNESS My Hand and Official Seal this 27th day of November, 2013.





PAUL WILKENING
CHIEF DEPUTY INSURANCE COMMISSIONER


CERTIFICATE OF MAILING

I, Buddy Combs, hereby certify that a true and correct copy of the above and foregoing Administrative Order of Suspension Instanter was mailed by certified mail with postage prepaid and return receipt requested on this 27th day of November, 2013, to:

David Scheving
121 N DENVER AVE
TULSA, OK 74103-1819

and that a copy was delivered to:

Bail Bonds Division



William G. "Buddy" Combs
Assistant General Counsel

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

7001 0320 0004 4249 2677

OFFICIAL USE

Postage \$		Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		
Sent To	David Scheving	
Street, Apt. No. or PO Box No.	121 N. Denver Ave.	
City, State, Zip	Tulsa, OK 74103-1819	
	sms/13-0932-DIS/Admin 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:

David Scheving
 121 N. Denver Ave.
 Tulsa, OK 74103-1819
 sms/13-0932-DIS/Admin Ord

2. Article Number (Transfer from service label)

7001 0320 0004 4249 2677

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Kelly Goodson
 B. Received by (Printed Name) C. Date of Delivery
 12/2

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