

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

FILED

OCT 01 2013

**INSURANCE COMMISSIONER
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. 13-0965-DIS

ADMINISTRATIVE ORDER OF SUSPENSION INSTANTER

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

FINDINGS OF FACT

1. On August 27, 2013, Respondent submitted to the Oklahoma Insurance Department ("the Department") two reports. Both reports were amended versions of his July 2013 United States Fire Insurance Company ("USFIC") surety report. With the reports, Respondent submitted two Electronic Funds Transfers ("EFT's") of Three Dollars (\$3.00) each.

2. The Oklahoma State Treasurer charged these EFT's back to the Department as "R04 – Invalid Account Number."

3. On August 30, 2013, Respondent submitted to the Department another Amended July

2013 USFIC report. With the report, Respondent submitted an EFT of Three Dollars (\$3.00).

4. The Oklahoma State Treasurer changed the EFT back to the Department as "R03 – No Account / Unable to Locate Account."

5. Respondent has been disciplined on several occasions for submitting insufficient funds EFT's and for filing late reports with the Commissioner. To date, fines issued by the Commissioner have not remedied these problems.

6. On July 30, 2013, Respondent was notified that future issues regarding Electronic Funds Transfers would result in the suspension of his license. (Exhibit A).

7. As of the date of this Order, Respondent has not replaced the fees he owes for the above-referenced reports.

CONCLUSIONS OF LAW

1. Respondent has violated 59 O.S. § 1314(D) by failing to submit the proper fee with his reports.

2. Pursuant to 59 O.S. § 1310, the Insurance Commissioner may suspend the license of any bondsman for the above-referenced violation.

3. Pursuant to 59 O.S. § 1311, the Commissioner may suspend the license of a bail bondsman pending a hearing, if he determines that the conduct of the bondsman "is such that it may be a detriment to the public."

4. Pursuant to 75 O.S. §§ 314(C)(2) and 314.1, the Insurance Commissioner is authorized to take administrative action against Respondent on a summary and emergency basis pending proceedings for revocation or other action against the license of Respondent if the Insurance Commissioner finds that the actions of the Respondent are such that the public health, safety and

welfare imperatively requires emergency action, and incorporates a finding to that effect in his order.

5. The Insurance Commissioner hereby finds that the conduct of the Respondent is such that it may be a detriment to the public.

6. The Insurance Commissioner hereby finds that the condition and actions of the Respondent are such that the public health, safety, and welfare imperatively require emergency action.

ORDER


IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent's bail bondsman license is hereby suspended instanter. This suspension shall continue until Respondent replaces the fees owed as set out above.

IT IS FURTHER ORDERED that Respondent is hereby given notice of opportunity to request a hearing within thirty (30) calendar days of receipt of this order to determine if there are any reasons why Respondent's bondsman license should not be subject to suspension. If Respondent requests a hearing before the Insurance Commissioner or his duly appointed hearing examiner, the proceedings shall be conducted within ten business days after receipt of the request and in accordance with the Oklahoma Bail Bond Act, OKLA. STAT. tit. 59 §§ 1301 et seq., and the Oklahoma Administrative Procedures Act, OKLA. STAT. tit. 75, §§ 250 et seq.

WITNESS My Hand and Official Seal this 15th day of October, 2013.




JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


Paul Wilkening
Chief Deputy Insurance Commissioner

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Administrative Order of Suspension Instante* was mailed postage prepaid with return receipt requested on this 18th day of October, 2013, to:

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


Buddy Combs

GOVERNOR
MARY FALLIN



INSURANCE COMMISSIONER
JOHN D. DOAK

OKLAHOMA INSURANCE DEPARTMENT
STATE OF OKLAHOMA

Legal Direct Phone Number (405) 521-2746
Legal Direct Fax Number (405) 522-0125

July 30, 2013

VIA CERTIFIED MAIL

James Manuel
1209 S MAIN ST
STILLWATER, OK 74074-5846

Re: Insufficient Funds Electronic Funds Transfers

Dear Mr. Manuel,


It has come to my attention that, since March 2013, you have submitted seven insufficient funds EFT's to the Insurance Department. Each insufficient EFT is a violation of 59 O.S. § 1310(A)(27). Some of them have already been referred to the Legal Division and you have probably received an Order from me concerning them. The others are still pending in the Bail Bond Division. I will handle the other pending EFT's as I do all others.

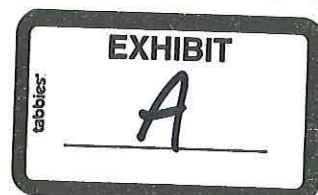
Normally, bail bondsmen are given a grace period in which they can replace an insufficient EFT. If it is replaced in the time specified, the result is only a censure. You will no longer receive that grace period. I am instructing the personnel of the Bail Bond Division to refer these EFT's to me as soon as they are submitted by you.

You are hereby notified that from this point forward any insufficient EFT submitted by you to the Department will result in the immediate suspension of your license. That suspension will remain in effect until you replace the insufficient EFT and pay a \$25 fee for each one. Additionally, you will be fined for each insufficient EFT. Fines will start with the minimum of \$250 and increase thereafter with each additional violation.

If you have any questions or concerns, please don't hesitate to contact me at 405-521-2746 or william.combs@oid.ok.gov.

Sincerely,


BUDDY COMBS
ASSISTANT GENERAL COUNSEL



A copy of this letter was also mailed via certified mail, with return receipt requested, to:

Roche Surety and Casualty Company, Inc.
Bail Bonds Division
1910 ORIENT RD
TAMPA, FL 33619-3354

United States Fire Insurance Company
Bail Bonds Division
305 MADISON AVE
MORRISTOWN, NJ 07962

And a copy was delivered via email to:

Anna Denman
Bail Bonds Division
Oklahoma Insurance Department

Carol Ryan
Bail Bonds Division
Oklahoma Insurance Department

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

7001 0320 0004 4249 9089

OFFICIAL USE

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

Total Postage

James Manuel
1209 S. Main St.

Sent To

Street, Apt
or PO Box
City, State

Stillwater, OK 74074-5846
sms/13-0726-COR/7-30 ltr



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/13-0726-COR/7-30 ltr

AUG 06 2013

Legal Division

COMPLETE THIS SECTION ON DELIVERY

A. Signature

James Manuel

☐ Agent
☐ Addressee

B. Received by (Printed Name)

James Manuel

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

AUG 01 2013

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7001 0320 0004 4249 9089

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)

OFFICIAL USE

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

Total Postage & Fee

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

James Manuel
1209 S. Main St.
Stillwater, OK 74074-5846
sms/13-0965-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.
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1. Article Addressed to:

James Manuel
1209 S. Main St.
Stillwater, OK 74074-5846
sms/13-0965-DIS/Admin Ord

OKLAHOMA INSURANCE DEPARTMENT

OCT 08 2013

Legal Division

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Nicole Lunz

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Nicole Lunz

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

OCT - 3 2013

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7001 0320 0004 4249 4008

PS Form 3811, February 2004

Domestic Return Receipt

102505-02-M-1540