

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

FILED

DEC 05 2013

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

INSURANCE COMMISSIONER  
OKLAHOMA

Case No. 13-1197-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. Danny McSwain ("Respondent") is a licensed bail bondsman in the State of Oklahoma holding license number 100105872.

**FINDINGS OF FACT**

1. On October 14, 2013, Respondent submitted to the Oklahoma Insurance Department ("Department") his September 2013 Roche Surety & Casualty Company report.

2. Respondent submitted with the report an Electronic Funds Transfer ("EFT") of Three Dollars (\$3.00).

3. On October 23, 2013, the Oklahoma State Treasurer charged the EFT back to the Department as "Not Sufficient Funds."

4. On October 28, 2013, Department staff sent Respondent a letter by email and certified mail, with return receipt requested, informing Respondent of the charge back and requesting that the

funds be replaced and a service fee of \$25.00 be paid within five days of receipt of the letter.

5. On November 7, 2013, Respondent replaced the EFT and paid the service fee owed.

### CONCLUSIONS OF LAW

1. Respondent has violated 59 O.S. § 1310(A)(27) by uttering insufficient funds to the Commissioner.

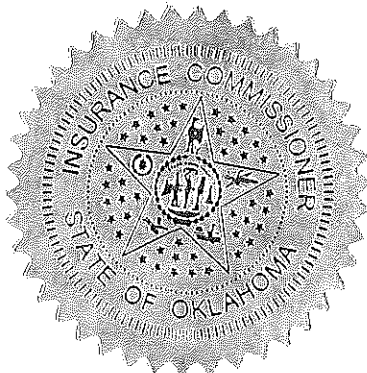
### ORDER

**IT IS THEREFORE ORDERED that Danny McSwain is CENSURED.**


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 56<sup>th</sup> Suite 100, Oklahoma City, Oklahoma 73112, and give an explanation of Respondent's actions described herein and any defenses thereto.

If Respondent fails to request a hearing within 30 days of receipt of this Order, this Order shall become a **FINAL ORDER** on the 31<sup>st</sup> day.

WITNESS My Hand and Official Seal this 5<sup>th</sup> day of December, 2013.




JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
\_\_\_\_\_  
William G. "Buddy" Combs  
Assistant General Counsel  
3625 NW 56<sup>th</sup> 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, with return receipt requested, on this 5<sup>th</sup> day of December, 2013, to:

Danny McSwain  
117 N 2ND AVE  
PURCELL, OK 73080-4205

  
\_\_\_\_\_  
William G. "Buddy" Combs

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

**OFFICIAL USE**

7001 0320 0004 4249 2554

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage</b>	



Sent To  
 Street, Apt. No. or PO Box No.  
 City, State, Zip

Danny McSwain  
 117 N. 2nd Ave.  
 Purcell, OK 73080-4205  
**sms/13-1197-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:

Danny McSwain  
 117 N. 2nd Ave.  
 Purcell, OK 73080-4205  
**sms/13-1197-DIS/Cond. Ord.**

2. Article Number  
 (Transfer from service label)

7001 0320 0004 4249 2554

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

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

D. Is delivery address different from item 1?  Yes  No

If YES, enter delivery address below:

JAN 6 2014

Legal Division

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540