

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

MAY 20 2014

INSURANCE COMMISSIONER
OKLAHOMA

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

Case No. 14-0147-DIS

ADMINISTRATIVE ORDER

This matter is a disciplinary proceeding under the Oklahoma Bail Bond Act. The Oklahoma Insurance Department (the "Department") issued a Notice of Hearing and Order to Show Cause on March 25, 2014, alleging that Respondent James Manuel, Jr. ("Manuel" or "Respondent") violated numerous provisions of the Bail Bond Act.

The hearing was set before the undersigned Hearing Examiner for April 22, 2014.

Petitioner appeared through his attorney Dan R. Byrd on April 22, 2014. Respondent was present and waived his right to be represented by counsel. Evidence was presented and testimony was taken. Petitioner offered Exhibits A through D as proof to support the Allegations of Fact and Alleged Violations of Law contained in the Notice of Hearing and Order to Show Cause.

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 was a licensed bail bondsman in the State of Oklahoma holding license

number 200341.

3. The Insurance Commissioner may deny, censure, suspend, revoke, or refuse to renew any license issued pursuant to the Oklahoma Bail Bond Act and/or may levy a fine of not less than \$250.00 but not more than \$2,500.00 for each occurrence of a violation of the Oklahoma Bail Bond Act. 59 O.S. § 1310(A) and (B).

FINDINGS OF FACT

1. Respondent failed to file his December 2013, Roche Surety & Casualty Report with the Oklahoma Insurance Department ("Department") that was due on Wednesday, January 15, 2014.

2. Respondent failed to file his December 2013, United States Fire Insurance Company Report with the Department that was due on Wednesday, January 15, 2014.

3. Respondent was appointed with former professional bail bondsman Louis Perry from May 22, 2007 until Mr. Perry's death on July 26, 2010. On July 22, 2011, Mr. Perry's wife, Raemona Perry, filed a breach of contract suit against Respondent in Garvin County District Court Case No. CJ-2011-113. See Petition dated July 22, 2011, attached hereto as Exhibit "A". Mrs. Perry received Judgment against Respondent on November 1, 2011. See Journal Entry of Judgment dated November 1, 2011, attached hereto as Exhibit "B". The lawsuit was directly related to Respondent's bail bond license.

4. Respondent filed for bankruptcy in the United States Bankruptcy Court for the Western District of Oklahoma, Case No. 13-14620 on October 15, 2013. See Notice of Bankruptcy Filing and Automatic Stay dated October 16, 2013, attached hereto as Exhibit "C".

5. Respondent has a lengthy administrative history with the Department. Respondent's license has been suspended numerous times and he has fines due in at least three legal cases.

6. Respondent's Block History Report from his SBS license record shows numerous insufficient funds and fines. See Respondent's Block History Report attached hereto as Exhibit "D". Respondent's license is currently suspended as of December 12, 2013 and has been suspended in the past.

CONCLUSIONS OF LAW

1. Respondent has violated 59 O.S. § 1310(A)(24) by failing to file a monthly report.
2. Respondent has violated 59 O.S. § 1310(A)(23) for failing to respond to a properly mailed notification within a reasonable amount of time.
3. Respondent has violated 59 O.S. § 1310(A)(2) by violating a law of this state relating to bail.
4. Respondent has violated 59 O.S. § 1310(A)(6) by demonstrating financial irresponsibility in conducting business under his license.
5. Respondent has violated 59 O.S. § 1310(A)(9) by conducting his business in a manner that renders the Respondent unfit to carry on the bail bond business or making the continuance of the business detrimental to the public interest in the judgment of the Commissioner.
6. Respondent has violated 59 O.S. § 1310(A)(7) by failing to comply with, or violation of any proper order, rule, or regulation of the Commissioner.

ORDER

Petitioner's admitted Exhibits A through D and testimony offered at hearing support the Allegations of Fact and Alleged Violations of Law in the Notice of Hearing and Order to Show Cause as true and correct.

IT IS THEREFORE ORDERED that James Manuel, Jr.'s bail bondsman license is
REVOKED.

WITNESS My Hand and Official Seal this 20th day of April, 2014.



Stephan S. Mathis
STEPHAN S. MATHIS
HEARING EXAMINER
OKLAHOMA INSURANCE DEPARTMENT

CERTIFICATE OF MAILING

I, Dan R. Byrd, hereby certify that a true and correct copy of the above and foregoing Administrative Order was mailed via certified mail with return receipt requested, and via regular mail, on this 20th day of May, 2014, to:

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

CERTIFIED MAIL NO:

and that a copy was delivered to:

Bail Bonds Division



DAN R. BYRD
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 522-6330
Fax (405) 522-0125

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

Sent To

Street, Apt. No.
or PO Box No.
City, State, ZIP

James Manuel, Jr.

1209 S. Main St.

Stillwater, OK 74074-5846

sms/14-0147-DIS/Adm 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, Jr.
1209 S. Main St.
Stillwater, OK 74074-5846
sms/14-0147-DIS/Adm Ord

2. Article Number
(Transfer from service label)

7001 0320 0004 4248 4313

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Connie Manuel* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

Connie Manuel

C. Date of Delivery

5/22

Is this delivery different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

MAY 28 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

IN THE DISTRICT COURT OF GARVIN COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA }
GARVIN COUNTY } 55.

FILED

JUL 22 2011

AT 2:40 P.M.
CINDY ROBERTS, Court Clerk
BY [Signature] DEPUTY
BOOK Page

RAEMONA PERRY, Individually; RAEMONA)
PERRY, Personal Representative of the Estate of)
Louis Graves Perry, Deceased; and PERRY BAIL,)
BONDS, LLC,)

Plaintiffs,)

-vs-)

JAMES MANUEL, Jr., Individually, and)
d/b/a HOT ROD BAIL BONDS, LLC,)

Defendant.)

CJ-2011- 113

RECEIVED
OKLAHOMA DEPARTMENT

DEC 26 2013

BAIL BOND

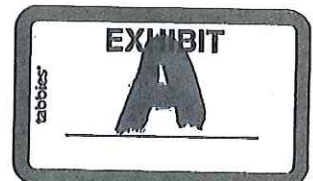
PETITION

COME NOW Plaintiffs, **Raemona Perry**, individually, and as Personal Representative of the Estate of **Louis Graves Perry**, deceased; and **Perry Bail Bonds, LLC**, and for their cause of action against the above named Defendant alleges and states as follows, to-wit:

1) That the Plaintiff is the Personal Representative of the Estate of Louis Graves Perry, deceased and is formerly a licensed professional bail bondsman. That Perry Bail Bonds is a duly constituted limited liability corporation within the State of Oklahoma.

2) That on or about the 8th day of May, 2007, the Defendant entered into a contract with Plaintiffs, to act as a surety bondsman, in Wynnewood, Garvin County, Oklahoma. A true and correct copy of said contract is attached hereto as Exhibit 'A' and by reference incorporated herein.

3) That the terms of the contract provided, inter alia, that, "**the surety bondsman also agrees to pay any and all bond forfeitures that come due to the courts.**" The contract further provides that "**in the event surety bondsman fails to pay any and all bond forfeitures, expenses and fines due and the professional bondsman has to intervene and pay any of the above mentioned liabilities on behalf of surety bondsman, the surety bondsman agrees to pay to professional bondsman all liabilities paid by professional bondsman immediately.**" See Section Eight of Exhibit 'A' attached hereto.



4) On or about July 17, 2009, the Defendant pursuant to the contract, wrote a bail bond for Firew K. Gudero, in case number CF-2009-357 in the District Court of Payne County, Oklahoma, in the amount of \$15,000.00. A true and correct copy of the bail bond is attached hereto as Exhibit 'B'.

5) The bond was ordered forfeited by the Court on or about the 5th day of August, 2009, and the Plaintiff was required to deposit with the Payne County Court Clerk's office the face amount of the bond. A true and correct copy of Plaintiff's payment receipt is attached hereto as Exhibit 'C'.

6) That the Defendant was notified both of the order of forfeiture and that Plaintiff had been required to pay same.

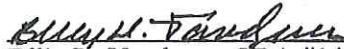
7) That as a result of the bail bond forfeiture, Plaintiff made demand on Defendant for indemnification of the monies she had been required to pay and the Defendant failed and/or refused to pay the sums due pursuant to the terms of the contract and by reason thereof is in breach of contract.

8) That the Defendant's actions described hereinabove caused Plaintiff damages in the amount of \$15,000.00, together with interest accruing thereon at the judgment rate since August 30, 2010.

9) That by reason of Defendant's actions described hereinabove; Plaintiff has been required to obtain the services of an attorney and incurred certain court costs and litigation expenses to enforce the contract at issue herein. Plaintiff is entitled to judgment against Defendant to recover said attorney fees and costs.

WHEREFORE, premises considered, Plaintiff prays for a judgment against the Defendant in the amount of \$15,000.00 together with interest accruing thereon at the judgment rate since August 30, 2010, and for her reasonable attorney fees and costs incurred as a result of prosecuting this lawsuit; and for such other and further relief as to which she may be entitled given the circumstances and which this Court deems just and proper.

Respectfully Submitted,


Billy D. Vandever, OBA #14089
P. O. Box 144 - 113 N Willow
Pauls Valley, OK 73075
Telephone: (405) 238-9305
Facsimile: (405) 238-1595

Attorney for Plaintiff

STATE OF OKLAHOMA)
) ss.
COUNTY OF GARVIN)

RECEIVED
OKLAHOMA JUDICIAL DEPARTMENT

DEC 26 2013

BAIL BOND

AFFIDAVIT AND VERIFICATION

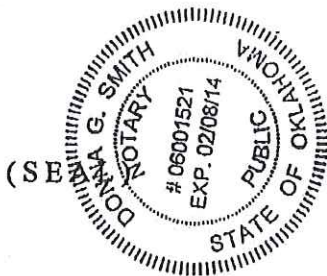
I, Raemona Perry, of lawful age and being first duly sworn upon oath, depose and state as follows, to-wit:


1. That I am the Petitioner named in the above and foregoing Petition;
2. That I have read the above and foregoing Petition, am familiar with the contents, allegations and matters asserted therein and believe them to be true and correct to the best of my knowledge and belief;

FURTHER AFFLIANT SAYETH NOT.


RAEMONA PERRY

Subscribed and sworn to before me, a Notary Public, on this 27th day of June, 2011.




Notary Public

IN THE DISTRICT COURT OF GARVIN COUNTY
STATE OF OKLAHOMA

RAEMONA PERRY, Individually; RAEMONA)
PERRY, Personal Representative of the Estate of)
Louis Graves Perry, Deceased; and PERRY BAIL,)
BONDS, LLC,)

Plaintiffs,)

-VS-)

JAMES MANUEL, Jr., IV, Individually, and)
d/b/a HOT ROD BAIL BONDS, LLC,)

Defendant.)

STATE OF OKLAHOMA } SS.
GARVIN COUNTY }
FILED
NOV 01 2011
AT 2:00 O'CLOCK P.M.
BY CINDY ROBERTS, Court Clerk
BOOK 2 Page 2 DEPUTY

CJ-2011-113

RECEIVED
OKLAHOMA SHERIFFS ASSOCIATION

DEC 26 2013

BAIL BOND

JOURNAL ENTRY OF JUDGMENT

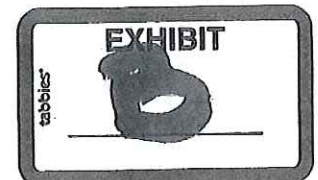
NOW on this ³¹ day of October, 2011, comes on for hearing the Petition of the Plaintiff, Raemona Perry, appearing in person and by and through counsel, Billy D. Vandever. The Defendant appears not. Attorney, Luke A. Anthony, counsel for Defendant, previously having reviewed and approved for entry this Journal Entry, appears not. The Court, having heard the evidence, testimony of one (1) witness sworn; reviewing the file and being fully advised in the premises **FINDS:**

1. That the Plaintiff filed her Petition against Defendant for damages and attorney fees herein on the 22nd day of July, 2011.

2. That on the 30th day of August, 2011, the Defendant was duly and lawfully served notice of this action as required by law, and as evidenced by return of service filed herein

3. That the Plaintiff should be awarded a judgment against Defendant, individually, and doing business as Hot Rod Bail Bonds, LLC, in the amount of fifteen thousand and no/00 cents (\$15,000.00) plus interest thereon accrued and accruing at the judgment rate.

5. That Plaintiff should be awarded a judgment against Defendant, individually, and as doing business as Hot Rod Bail Bonds, LLC, for her attorney fees and costs incurred herein.

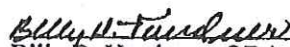


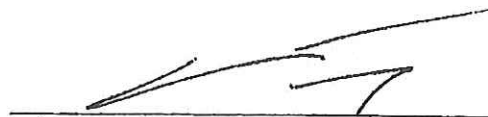
IT IS THEREFORE ORDERED ADJUDGED AND DECREED by the Court that Plaintiff be and she is hereby awarded judgment against Defendant, individually, and doing business as Hot Rod Bail Bonds, LLC, in the amount fifteen thousand dollars and no/00 cents (\$15,000.00), together with interest thereon accruing thereon at the judgment rate.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by the Court that Plaintiff is awarded judgment in the amount of one thousand two hundred seventy-six dollars and 79/00 (\$1,276.79) as and for her attorney fees and costs incurred in this matter.


JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:


Billy D. Vandever, OBA #14089
113 N Willow – P.O. Box 144
Pauls Valley, OK 73075
(405) 238-9305
Attorney for Plaintiff


Luke A. Anthony, OBA #21471
123 W 7th Avenue
Stillwater, Oklahoma 74075
(405) 533-3989
Attorney for Defendant

IN THE DISTRICT COURT OF GARVIN COUNTY
STATE OF OKLAHOMA

RAEMONA PERRY,

Plaintiff,

vs.

JAMES MANUEL JR.,

Defendant(s).

Case No. CJ-2011-00113



NOTICE OF BANKRUPTCY FILING AND AUTOMATIC STAY

COMES NOW the Defendant James Manuel, by and through his attorney of record, O. Clifton Gooding, and would state that he has filed a Chapter 7 Bankruptcy Petition in the United States Bankruptcy Court for the Western District of Oklahoma, Case No. 13-14620 on the 15th day of October, 2013, and that the automatic stay imposed by 11 U.S.C., Section 362 is in full force and effect.

JAMES MANUEL

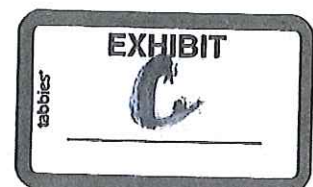
By: 

O. Clifton Gooding (OBA #10315)

Of the Firm:

THE GOODING LAW FIRM
A Professional Corporation
650 City Place Building
204 North Robinson Avenue
Oklahoma City, Oklahoma 73102
405.948.1978 – Telephone
405.948.0864 – Facsimile
cgooding@goodingfirm.com – Email

Attorney for JAMES MANUEL



CERTIFICATE OF MAILING

This is to certify that on the 15th day of October, 2013, I mailed a true and correct copy of the above and foregoing Notice of Bankruptcy Filing and Automatic Stay via U.S. mail, postage prepaid, to:

Raemona Perry
c/o Bill Vandever
113 N Willow Street
Pauls Valley, OK 73075



O. Clifton Gooding

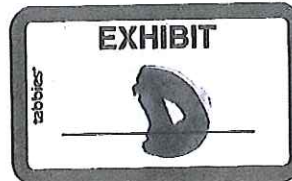
Block History Report

Report Date: February 4, 2014

Licensee Name: JAMES MANUEL
License Number: 0000200341

License Type(s): Bail Bondsman

Blocked Date	Blocked By	Remarks	Reason	Unblocked Date	Unblocked By	Unblocked Remarks
10/07/2013	Anna Denman	Per 10-02-2013 email from Legal, Fine NOT paid in 13-0627-Dis. BB Div to place block on license.	Fine is Due 1	10/18/2013	Anna Denman	Per emails from Legal 10-17-2013 and 10-18-2013, Manuel in compliance.
10/04/2013	Anna Denman	See Legal case 13-0965-Dis (BBD 41703). Returned EFTs for July 2013 reports.	Bail Report Reviewal Fee Due 1	10/18/2013	Anna Denman	Per emails from Legal 10-17-2013 and 10-18-2013, Manuel in compliance.
10/04/2013	Anna Denman	Legal case 13-0845-Dis (BBD 41064). License Suspended per Cond Admin Order. Did not replace funds.	Non-Sufficient Funds 1	10/18/2013	Anna Denman	Per emails from Legal 10-17-2013 and 10-18-2013, Manuel in compliance.
09/26/2011	Anna Denman	Final Order 11-0210-Dis \$500.00 fine	Disciplinary Actions(s)	09/30/2011	Anna Denman	Per email from Legal, fine paid.
09/26/2011	Anna Denman	Final order 11-0210-Dis 09-26-2011	Disciplinary Actions(s)	09/26/2011	Anna Denman	
09/26/2011	Anna Denman	Owes \$250.00 fine in legal 11-0725-Dis.	Fine is Due 1	09/30/2011	Anna Denman	Per email from Legal, fine paid.
09/01/2011			Tax Hold	10/06/2011	Linda Churchill	
07/30/2013	Anna Denman	7 NSF EFT charge backs; 24734, 24742, 24996, 25516, 25506 (2), 25591. Manuel has not replaced funds.	Non-Sufficient Funds 1	09/26/2013	Anna Denman	EFTS paid 08-12-2013 and 08-23-2013. 09-25-2013 email from Legal, Suspension Lifted in case 13-0825-Dis.



Block on 06/06/2011 states See Comments. No

06/06/2011			See License Notes 07/19/2011	Anna Denman	comments migrated to Notes section of record. Block removed by staff unable to verify. Amd
03/28/2012	Anna Denman	NSF EFT charge back 6105. Trans date 03-15-2012 for Feb 2012 USFIC report. Amt owed \$311.52.	Bail Report Reviewal Fee Due 1	06/27/2012 Anna Denman	Money order 14-518368215 recd 06-25-2012 amount of \$311.52 replaces NSF EFT charge back number 6105 for reviewal fee, ok.gov, and service fees on 02-2012 USFIC report. Correct charge back number is 9078. On 05-02-2012 Recd MO 14-486479058 for \$28.00 to replace NSF EFT charge back 9078, 10-2011 United States Fire Ins Co report. BB did not submit paperwork with MO.
02/22/2012	Anna Denman	EFT charge back 9178, owes 28.00, transaction date 02-09-2012, 10-2011 United States Fire Ins Co Amd -1.	Non-Sufficient Funds 1	05/09/2012 Anna Denman	
02/22/2012	Anna Denman	See Payne Cnty CJ-2012-86 OTC v James Manuel, Indebtedness. Filed 02-21-2012.	See License Notes 08/06/2012	Anna Denman	See Notes.
01/13/2014		Cond Admin Order 13-1186-Dis (BBF 42699) Both fined \$1000. USFIC paid, Manuel NOT paid, block license.	Fine is Due 2		
01/13/2014		Cond Admin Order 13-1185-Dis (BBF 42697) Fined \$250 each. USFIC paid, Manuel NOT paid, block license.	Fine is Due 1		
01/09/2013			Tax Hold	04/19/2013 Anna Denman	Recd OK Tax Comm release