

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.)

Case No. 14-0190-DIS

TRACY BIAS, a licensed bail bondsman in the)

State of Oklahoma,)

Respondent.)

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 Tracy Bias ("Bias" 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 Counsel Dan R. Byrd on April 22, 2014. Respondent failed to appear. Petitioner offered Exhibit 1 as proof to support the proper service upon Respondent by certified mail at the Respondent's current address of record with the Department. 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 40080415.

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. On January 15, 2014, the Oklahoma Insurance Department ("Department") received a complaint from Lt. David Gregory of the Oklahoma County Sheriff's Office ("OCSO") alleging that the Respondent failed to pay travel expenses in the amount of One Hundred Eighty Dollars and Eighty Cents (\$180.80) after filing a guarantee to pay. See OCSO Complaint dated January 15, 2014 attached hereto as Exhibit "A".

2. On October 21, 2012, Respondent executed an appearance bond for Defendant Michael Roberts in Oklahoma County case CF-2012-7290 in the amount of Four Thousand Dollars (\$4,000.00) using Safety National Casualty Corporation ("SNCC") power of attorney number S5-2085638.

3. On March 13, 2013, Defendant Michael Roberts failed to appear and the appearance bond was ordered forfeited by the court.

4. On April 16, 2013, Respondent signed and filed with the OCSO an Affidavit of Intent agreeing to pay all expenses incurred by the OCSO for picking up Defendant Michael Roberts. See Affidavit of Intent signed by Respondent on April 16, 2013, attached hereto as Exhibit "B". The Affidavit was filed with the court clerk on April 17, 2013.

5. Also filed with the court clerk on April 17, 2013 was the Return of Defendant to Custody form dated April 16, 2013 indicating that Defendant Michael Roberts was in custody of Greer County, a hold had been placed, and Respondent guaranteed travel expenses. See Return of Defendant to Custody form dated April 16, 2013, attached hereto as Exhibit "C". Due to the filing of the above referenced forms, the Oklahoma County Court Clerk filed a Clerk's Bond Forfeiture Minute which Vacated the Order of Forfeiture and Exonerated the appearance bond.

6. Notes on the OCSO copy of the Affidavit of Intent indicate that Lt. David Gregory of OCSO made five attempts to contact Respondent. One contact was made with Billy Dismuke (bail bondsman and Respondent's common law spouse) where Mr. Dismuke advised Lt. Gregory that he would take care of it.

7. Upon receipt of the complaint, the Department staff sent a letter, via certified mail to Respondent on January 15, 2014. Department staff also sent an email to SNCC. The letter to Respondent was returned on February 11, 2014 by the USPS marked "Return to Sender, Unclaimed, Unable to Forward, Return to Sender." The letter was mailed to Respondent's business and mailing address. SNCC has not responded to the email request.

8. On December 18, 2013, Respondent submitted to the Oklahoma Insurance Department ("Department") an Electronic Funds Transfer ("EFT") of Three Dollars (\$3.00) for her November 2013 SNCC report.

9. On January 2, 2014, the Oklahoma State Treasurer charged the EFT back to the Department as "Not Sufficient Funds."

10. On January 6, 2014, Department staff sent Respondent an email 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 from receipt of the emailed letter.

11. As of today's date the funds have not been replaced.

12. On January 15, 2014, Respondent submitted to the Department an EFT of Three Dollars (\$3.00) for her December 2013 SNCC report.

13. On January 28, 2014, the Oklahoma State Treasurer charged the EFT back to the Department as "Not Sufficient Funds."

14. On January 30, 2014, Department staff sent Respondent an email 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 from receipt of the emailed letter.

15. As of today's date the funds have not been replaced.

16. Respondent has a lengthy administrative history with the Department. Respondent's license expired on September 30, 2013. On January 3, 2014, Respondent submitted an online application to reinstate her license. The Department did not approve the application to reinstate because Respondent has four (4) blocks on her license; fines owed to the Department's Legal Division and fees owed to the Department's Bail Bond Division. See Respondent's Block History Report attached hereto as Exhibit "D".

CONCLUSIONS OF LAW

1. Respondent has violated 59 O.S. § 1310(A)(30) for failing to pay travel expenses for the return of Defendant Michael Roberts to custody once having guaranteed the expenses pursuant to the provisions of subparagraph d of paragraph 3 of subsection C of Section 1332 of this title.

2. Respondent has violated 59 O.S. § 1310(A)(29) by uttering insufficient funds to the Commissioner.

3. Respondent has violated 59 O.S. § 1310(A)(23) for failing to respond to a properly mailed notification within a reasonable amount of time.

4. Respondent has violated 59 O.S. § 1310(A)(32) for failing to accept or claim a certified mailing from the Department addressed to the Respondent's mailing address on file with the Department.

5. Respondent has violated 59 O.S. § 1310(A)(2) by violating a law of this state relating to bail.

6. Respondent has violated 59 O.S. § 1310(A)(6) by demonstrating financial irresponsibility in conducting her business under the license.

7. Respondent has violated 59 O.S. § 1310(A)(9) by conducting her 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.

8. 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 Tracy Bias' bail bondsman license is REVOKED.

IT IS FURTHER ORDERED that Tracy Bias is assessed the costs of the hearing in the amount of Two Hundred Dollars (\$200.00), due and payable to the Oklahoma Insurance Department within 30 days after the date of hearing.

WITNESS My Hand and Official Seal this 30th day of April, 2014.





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:

Tracy Bias
2828 NW 57th St., Suite 119
Oklahoma City, OK 73112-6814


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



SBS

License Services





NAIC National Association of Insurance Commissioners

Oklahoma Department of Insurance

Licensee Look-up

This document may serve in lieu of a Letter of Certification.

Report Date: April 21, 2014
Total Number of Licensees = 1

Selected Criteria	
First Name = tracy	Middle Name = None
Last Name = bias	Suffix = None
Business Entity Name = None	Is Resident? = All
License Num = None	License Type = All
License Status = All	LOAs = All
National Producer Number = None	DBA Name = None
Sort By = Last Name	Licensee Type: = Individual

* Indicates those agents which have branch offices. Click the link to view.

To view active Company Appointments, click the Licensee's Name.

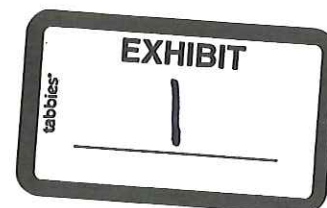
To view active Affiliations of the following type(s) click on the License Type link.

- Designated Responsible Licensee
- Other Affiliations

Look-Up Results											
License Number	NPN	Res Status	Full Name (Click link for Appt)	License Type (Click link for Affiliations)	License Status (Status Date)	LOAs (Effective Date)	Expiration Date	DBA Name	Business Address City, State, ZIP	Business Phone	Designated Home State
0040080415	14563519	Y	TRACY ANN BIAS	BAIL BONDSMAN	EXPIRED (10/03/2013)	1) SURETY BAIL (07/31/2009)	09/30/2013		TRACY BIAS, 2828 NW 57TH ST STE 119, OKLAHOMA CITY, OK, 73112-7091	(405) 236-2060	N/A

Need Help? Click here!

Back



GOVERNOR
MARY FALLIN



INSURANCE COMMISSIONER
STATE OF OKLAHOMA

INSURANCE COMMISSIONER
JOHN DOAK

For Insurance Department Use Only

Date: 01 / 15 / 2014

Complaint # 43710
BBI # _____ Claims Analyst _____

To: **Ball Bond Complaint**
John Doak, Commissioner
Oklahoma Insurance Department
5 Corporate Plaza
3625 NW 56th Street, Suite 100
Oklahoma City, OK 73112

From: Name LIEUTENANT DAVID GREGORY
Address 201 N. SHATEL AVE
City OKLAHOMA CITY State OK Zip 73102
Telephone Number 405-713-1052

Person filing complaint is the Defendant _____, Co-signer _____, Other (explain) _____

Full Name of Ball Bondsman about which you are requesting assistance:

Name HEARTLAND BAILBONDS (BILLY DISMUKE / TRACY BIAS)
Address _____
City _____ State _____ Zip _____

COMPLAINT

Please give as much detailed information as possible. Include copies of receipts, bail agreements, contracts, promissory notes, or any other documents you may have signed in connection with the bail bond transaction.

Defendant's Name MICHAEL ROBERTS Defendant's date of birth 03 / 03 / 1980
Date of Bond 10 / 21 / 2012 Case Number CF 2012 7290 County or Municipality OKLAHOMA COUNTY

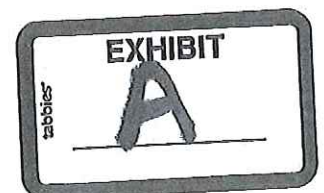
ON 11/20/2013 AN OKLAHOMA COUNTY DEPUTY TRAVELED TO MANGUM, OK (GREER COUNTY) AND TOOK CUSTODY OF MICHAEL ROBERTS AND RETURNED HIM TO OKLAHOMA COUNTY JAIL FOR PROSECUTION ON THE ABOVE CASE. PURSUANT TO 59 O.S. sec 1332(C)(d), THE BOND FORFEITURE, IN CF 2012 7290, WAS SET ASIDE BECAUSE THE BONDSMAN COMPLETED THE AFFIDAVIT OF INTENT "GUARANTEEING THE REASONABLE TRAVEL EXPENSE". THIS IS WHAT KEPT THE BONDSMAN FROM HAVING TO PAY THE \$4000.00 FORFEITURE. BECAUSE THE AFFIDAVIT OF INTENT WAS COMPLETED, AND THE BONDSMAN IS NO LONGER IN BUSINESS, THE FOLLOWING PROVISION SHOULD APPLY 59 O.S. sec 1310(A). THE INSURANCE COMMISSIONER MAY DENY, CENSURE, SUSPEND, REVOKE, OR REFUSE TO RENEW ANY LICENCE ISSUED UNDER SECTIONS 1301 THROUGH 1340 OF THIS TITLE FOR ANY OF THE FOLLOWING CAUSE: 28. FOR FAILING TO PAY

3625 NW 56th St STE 100 • OKLAHOMA CITY, OK 73112 • (405) 521-6612 • TOLL FREE (IN STATE) 1-800-522-0071 • FAX (405) 522-6905

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

JAN 15 2014

BAIL BOND



TRAVEL EXPENSE FOR THE RETURN OF THE DEFENDANT TO CUSTODY ONCE
GUARANTEED THE EXPENSES PURSUANT TO THE PROVISION OF SUBPARAGRAPH 3 OF
SUBSECTION 1332 OF THIS TITLE..."

PLEASE FIND ATTACHED :

1. AFFIDAVIT OF INTENT (NOTES OF ATTEMPTS TO MAKE
CONTACT /THE ONE TIME I DID SPEAK WITH HIM HE JUST SAID "O" YEA I'LL TAKE CARE OF
IT, NO CONTACT SINCE)
2. RETURN DEFENDANT TO CUSTODY

TRAVEL EXPENSE : \$ 180.80

All of the above information is true and accurate to the best of my knowledge.

Signature

Date

3625 NW 56th St Ste 100 • OKLAHOMA CITY, OK 73112 • (405) 521-6612 • TOLL FREE (IN STATE) 1-800-522-0071 • FAX (405) 522-6905

OKLAHOMA
COUNTY

SHERIFF



JOHN WHITTELL, SHERIFF
www.oklahomasheriff.org

301 N. Shartel
Oklahoma City, OK 73102-3109
(405) 713-1000 - (405) 713-1978 fax

MOA-320 \$180.00

AFFIDAVIT OF INTENT

11-30 mfg Del Full
11-31 " " " " " "
11-36 Spoke to Rtd
12-17-11 " " " "
1-8-13 in house

DEFENDANT: Michael Roberts AKA: _____
RACE W SEX M DOD 3.3.80 AKA DOB _____ SSN _____
I, Tracy Brea the bondman or attorney (circle one), State Bond
License # 40080115 State Bar License # _____
In the case # CF-12-7290
Michael Roberts vs Oklahoma County

AGREE TO PAY all expenses incurred by the Oklahoma County Sheriff's Office, for the extradition of this individual from anywhere in the United States of America to Oklahoma City, Oklahoma County, Oklahoma.

I agree that upon notification of this subject's apprehension that I will make immediate arrangements with the Oklahoma County Sheriff's Office to post the appropriate funds for extradition costs described above.

Tracy Brea Date 4-16-13
Signature
T. Brea Date 4-16-13
Print Name

PHONE # 405 224-2060
(Must be answered 24 hours a day)

JOHN WHITTELL, Sheriff of Oklahoma County

By: Heath Lewis Date: 4/16/13
Signature
By: Heath Lewis
Print Name

State of Oklahoma, Oklahoma County:

Signed and sworn before me on this 16th day of April 2013
Heath Lewis
Notary Public
My Commission Expires: 11-1-2016 Commission Number: 12011212

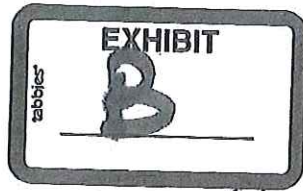
(Note: In the event your identifiers do not match those on file at the Sheriff's Office, you must verify (through Records) that the person being surrendered is in fact, the person wanted.)

White: Court Clerk/Tile Yellow: Sheriff Pink: Defendant
Revised 11/03

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

JAN 15 2014

BAIL BOND



5/5

CASE NO. CF-B-7290

STATE OF OKLAHOMA (VS) Roberts Michael Donald
Last First Middle

DOB: 3-3-80 Race: W Sex: M Ht: 5'9 Wt: 210 Hair: W Eyes: brwn
SSN: _____ ALIAS: _____

RETURN OF DEFENDANT TO CUSTODY
(Title 59 O.S. Sec. 1332 (3) a thru d)

(SECTION I) COMPLETE IF DEFT. IS IN CUSTODY IN THE OKLA. COUNTY JAIL

I, _____, do hereby attest that on the _____ day of _____
(Person Receiving Defendant)
the above named Defendant was received and placed in my custody in the Okla. Co.
Jail by _____ for one of the following reasons, to wit:
(a) Deft. was surrendered and incarcerated on charges filed and/or pending in the District
Court of Oklahoma County.
(b) Deft. was surrendered and incarcerated for a Jurisdiction other than the District Court
of Oklahoma County and a HOLD was placed for
(Federal Court, Municipal Court, Immigration, and/or Other District Court)

(SECTION II) COMPLETE IF DEFT. IS IN CUSTODY IN ANOTHER FACILITY

I, Heather Williams, do hereby attest that the above named defendant is in
(Warrant's Personnel)
the custody of Greer County and a HOLD was placed on this 16
day of April, 2013.

Travel Guaranteed Yes ☒ No
Affidavit of Intent on File Yes ☒ No

Heartland Bail Bonds
Bonding Company Name
Heather Williams
Signature of Bondsman

Heather Williams
Signature & Title of Receiver

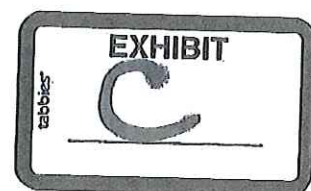
State of Oklahoma, Oklahoma County:
I, _____, do hereby attest before me on this 16th day of April, 2013
My Commission Expires: 12/31/2016 Commission Number 1201342
Heather Williams
NOTARY PUBLIC
(Note: In the event your identifiers do not match those on file at the Sheriff's Office, you must
verify (through Records) that the person being surrendered is in fact, the person wanted)

White: Court Clerk/File Yellow: Sheriff Pink: Bondsman
(9/2005)

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

JAN 15 2014

BAIL BOND



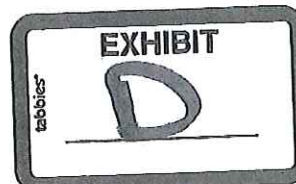
Block History Report

Report Date: February 12, 2014

Licensee Name: TRACY BIAS
License Number: 0040080415

License Type(s): Bail Bondsman

Blocked Date	Blocked By	Remarks	Reason	Unblocked Date	Unblocked By	Unblocked Remarks
12/06/2012	Anna Denman	NSF EFT charge backs 22697 & 22857, Aug 2012 CFIC and Sept 2012 SNCC reports. Owes \$28. and \$58.20. Ltr to BB 11-13-2012.	Non-Sufficient Funds 1	12/10/2012	Anna Denman	Paid 12-06-2012. Recd in BB 12-07-2012.
12/03/2013	Anna Denman	NSF EFT 26917 for Oct 2013 SNCC report owes total \$28.00	Non-Sufficient Funds 1	01/06/2014	Anna Denman	Money Order 7006304957 replaces NSF EFT 26917 for October 2013 SNCC report, transaction date 11-15-2013, transaction ID 3541081.
11/19/2010			Non-Sufficient Funds 1	07/19/2011	Anna Denman	Restriction on 11/19/2010 re NSF Ck. No comments migrated to Notes section of record. Block removed by staff unable to verify. amd
10/29/2013	Anna Denman	Cond Admin Order 13-0005-Dis (37869) Fined \$250, NOT paid, block license per Legal 10-18-2013	Fine is Due 1			
09/13/2012	Anna Denman	EFT charge back 22307, reason R01, NSF, owes \$43.00, for July 2012 Safety report.	Non-Sufficient Funds 1	09/26/2012	Anna Denman	On 09-24-2012 recd MO 7004631406 for \$43.00 replaces NSF EFT 22307 for July 2012 Safety Ntl report.
		Owes \$250 fine in				09-26-2011 email from Legal. Paid



08/29/2011	Anna Denman	legal case 11-0151-Dis.	See License Notes	09/26/2011	Anna Denman	\$250 fine in 11-0151-Dis remove block.
08/26/2011	Anna Denman	Owes \$100 fine in 10-1158-Dis.	Fine is Due 1	11/10/2011	Anna Denman	Per 11-10-2011 email from Legal, fine paid. On 04-16-2012 recd money order 7004123550
01/31/2012	Anna Denman	EFT charge back 8800, owes total of 95.71, transaction date 01-17-2012.	Bail Report Reviewal Fee Due 1	04/18/2012	Anna Denman	\$67.721 and money order 7004123549 \$28.00 to replace EFT charge back 8800. See BBD-12-0083, SBS 34948.
01/30/2014		NSF EFT Charge Back 27470, reason R01, owes total of \$28.00 for December 2013 SNCC report.	Non-Sufficient Funds 2			
01/27/2012	Anna Denman	Charge back 8697; owes 28.00.	Non-Sufficient Funds 1	04/18/2012	Anna Denman	On 04-16-2012 recd money order 7004123551 \$28.00 to replace EFT charge back 8697. See BBD-12-0084, SBS 34947.
01/13/2014		Cond Admin Order 13-1223-Dis (BBF 42858) Both fined \$250, Merrill paid, Bias NOT paid, block license.	Fine is Due 2			
01/06/2014		EFT Charge Back 27219, reason R01, owes total of \$28.00 for November 2013 SNCC report.	Non-Sufficient Funds 1			

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)	

Tracy Bias

2828 NW 57th St., Suite 119

OKC, OK 73112-6814

sms/14-0190-DIS/Adm Ord

Total Postage \$

Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	

PS Form 3800, January 2001

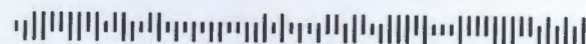
See Reverse for Instructions

CERTIFIED MAIL



7001 0320 0004 4248 4290

25 / 5 21
SA / 12041



Tracy Bias
2828 NW 57th St., Suite 119
OKC, OK 73112-6814

neopost

05/20/2014

US POSTAGE \$007.40

FIRST-CLASS MAIL



ZIP 73112
041L12203132

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

JUN 11 2014

Legal Division

NIXIE

731 DE 1700

0006/08/14

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 73112451125

*2557-09996-08-11

73112 04511

OFFICIAL USE

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

Tracy Bias

2828 NW 57th St., Sutie 119

OKC, OK 73112-6814

sms/14-0190-DIS/Adm Ord

Total Postage \$

Sent To

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

City, State, ZIP+4

PS Form 3800, January 2001

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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:

Tracy Bias
2828 NW 57th St., Sutie 119
OKC, OK 73112-6814
sms/14-0190-DIS/Adm Ord

2. Article Number
(Transfer from service label)

7001 0320 0004 4248 4290

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes