

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**

OCT 07 2014

STATE OF OKLAHOMA, ex rel. JOHN D. )  
DOAK, Insurance Commissioner, )

Petitioner, )

vs. )

PAUL NICK POPE, JR., a licensed bail )  
bondsman in the State of Oklahoma, )

Respondent. )

INSURANCE COMMISSIONER  
OKLAHOMA

Case No. 14-0614-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 With Suspension Instanter on August 7, 2014, alleging Respondent Paul Nick Pope, Jr. violated several provisions of the Oklahoma Bail Bond Act.

The hearing was set before the undersigned Hearing Examiner for August 28, 2014. The matter was then continued until September 30, 2014.

On September 30, 2014, the above-captioned case came on for hearing at the office of the Department, 3625 N.W. 56<sup>th</sup> Street, Suite 100, Oklahoma City, Oklahoma 73112, and was concluded on the same date. Oklahoma Insurance Commissioner John D. Doak appointed the undersigned independent Hearing Examiner to preside at the hearing as a quasi-judicial officer. The hearing was recorded electronically by employees of the Department. Petitioner was represented by Assistant General Counsel, Dan R. Byrd. Respondent Paul Nick Pope, Jr. appeared in person and was represented by his attorney, Don Jackson. Petitioner called one witness and offered Exhibits "A" – "H" as proof to support the allegations of fact and alleged violations of law contained in the Notice

of Hearing and Order to Show Cause With Suspension Instanter. Respondent called one witness and offered Exhibits "A" – "D" and "F" as proof to deny the allegations of fact and alleged violations of law contained in the Notice of Hearing and Order to Show Cause With Suspension Instanter. Testimony was taken and arguments were heard. The Hearing Examiner finds 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 Paul Nick Pope, Jr. is a licensed bail bondsman in the State of Oklahoma holding license number 100105892.

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 applied for his initial bail bond license on May 16, 2011.

2. Respondent answered "No" to the following three (3) questions on his Application for Bail Bond License: "3D. Has any state or federal agency ever refused, revoked, suspended, or terminated your license, certificate of authority, franchise, or other approval to do business or engage in a profession? Yes \_\_\_ No X (if yes, give details on a separate sheet.)", "3E. Has any state or federal agency ever called you before them for any alleged violation of the laws or regulations under their administrative jurisdiction? Yes \_\_\_ No X (if yes, give details on a separate sheet.)", and "3F.

Have you ever entered into a Consent Order or Agreement with any state or federal agency? Yes \_\_\_  
No X (if yes, give details on a separate sheet.)”.

3. Respondent applied for renewal of his bail bond license on September 7, 2011 and again on March 1, 2013 via the Department’s electronic application vendor, National Insurance Producer’s Registry (“NIPR”) on the NAIC Uniform Application for Individual License.

4. Respondent answered “No” to the following question on the NIPR electronic applications on the NAIC Uniform Application for Individual License: “2. Have you been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration, which has not been previously reported to this state? “Involved” means having a license censured, suspended, revoked, cancelled, terminated; or being assessed a fine, placed on probation or surrendering a license to resolve and administrative action. “Involved” also means having a license application denied or the act of withdrawing an application to avoid a denial. INCLUDE Any business so named because of your actions in your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee. If you answer yes, you must attach to this application: a) a written statement identifying the type of license and explaining the circumstances of each incident, b) a copy of the Notice of Hearing or other document that states the charges and allegations, and c) a copy of the official document which demonstrates the resolution of the charges or any final judgment. No.”

5. On June 3, 2014, Tyler Stiles, Investigator of the Department’s Anti-Fraud Unit, obtained a Certified License History for Respondent from the California Bureau of Real Estate dated May 27, 2014. The Certified License History indicates that Respondent’s real estate broker license

was voluntarily surrendered in connection with disciplinary action and/or an enforcement investigation in Case No. H-35502 LA as of May 27, 2009.

6. On June 3, 2014, Tyler Stiles, Investigator of the Department's Anti-Fraud Unit, obtained a Certified License History for two corporations named Pope Financial Center, Inc.- C/01524994 and Pope Mortgage & Associates, Inc. – C/01444782 from the California Bureau of Real Estate dated May 27, 2014. The Certified License Histories indicate that Respondent was a named broker-officer of the corporations and that both corporations' licenses were voluntarily surrendered in connection with disciplinary action and/or an enforcement investigation in Case No. H-35502 LA as of May 27, 2009.

#### CONCLUSIONS OF LAW

1. Respondent has violated 59 O.S. §§ 1310(A)(1),(2),(3) and (12) by misstating on his bail bond license application and renewal applications that he had never had his license surrendered or revoked, had never been called before any state or federal agency for any alleged violation of laws or regulations under their administration, had never entered into any Consent Order or Agreement with any state or federal agency, and had never been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration when in fact he had voluntarily surrendered his California real estate license in connection with disciplinary action and/or an enforcement investigation in Case No. H-35502 LA on May 27, 2009.

#### ORDER

**Petitioner's admitted Exhibits A through H 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 Respondent Paul Nick Pope, Jr.'s suspension should stay in effect, that Respondent shall re-file an application with the Department for a bail bond license and correctly answer each question in the application and, if necessary, provide supporting documentation for such answers, that the Department shall review Respondent's application for a bail bond license and render its decision to either grant or deny Respondent's application for a bail bond license.

**IT IS FURTHER ORDERED** that Respondent Paul Nick Pope, Jr. is assessed the costs of the hearing in the amount of Three Hundred Seventy-Five Dollars (\$375.00), due and payable to the Oklahoma Insurance Department within 30 days after the date of hearing.

WITNESS My Hand and Official Seal this 7<sup>th</sup> day of October, 2014.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

*Stephan S Mathis*  
STEPHAN S. MATHIS  
HEARING EXAMINER

**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the above and foregoing *Administrative Order* was mailed certified, return receipt requested, on this 7<sup>th</sup> day of October, 2014, to:

Don Jackson  
217 N. Harvey, Suite 105  
Oklahoma City, OK 73102  
Attorney for Respondent



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Dan R. Byrd  
Assistant General Counsel

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