

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

**FILED**

JUL 21 2014

INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. )  
DOAK, Insurance Commissioner, )  
  ) Petitioner, )  
vs. )  
KRISTIE ZIMMERMAN, a licensed bail )  
bondsman in the State of Oklahoma, )  
AND )  
DENNIS WHARTON, a professional bail )  
bondsman licensed in the State of Oklahoma, )  
, )  
  ) Respondents. )

CASE NO. 14-0718-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. Respondent Kristie Zimmerman (“Zimmerman”) is a licensed bail bondsman in the State of Oklahoma holding license number 40163300.
3. Respondent Dennis Wharton (“Wharton”) is a licensed professional bail bondsman in the State of Oklahoma holding license number 200242.

**FINDINGS OF FACT**

1. On or about March 12, 2014, an appearance bond was executed as follows:

Defendant: Justin Dale Sutterfield  
Case Number(s): 5987327/417961  
City/County: Tulsa Municipal Court  
Surety: Dennis Wharton  
Bondsman: Kristie Zimmerman  
Power Number(s): 10820  
Bond Amount(s): \$500

2. On March 14, 2014, the Defendant failed to appear, and the bond was orally declared forfeited. An Order and Judgment of Forfeiture was filed by the court on March 27, 2014. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondents with return receipt requested within thirty (30) days after the Order's filing.

3. Zimmerman received a copy of the Order and Judgment of Forfeiture on March 31, 2014.

4. Wharton received a copy of the Order and Judgment of Forfeiture on April 1, 2014.

5. The ninetieth (90<sup>th</sup>) day after receipt of the Order and Judgment of Forfeiture by Respondents was Sunday, June 29, 2014.

6. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture by Respondents was Monday, June 30, 2014.

7. As of the date of this Order, the bond forfeiture has not been paid or otherwise set aside or the bond exonerated.

8. The Defendant was not returned to custody within 90 days, nor was the face amount of the forfeited bond deposited with the Court Clerk within 91 days, after receipt of the Order and Judgment of Forfeiture by Respondents.

9. The bond was reported.

#### **CONCLUSIONS OF LAW**

1. The allegations are found to be true and correct, and Respondents have violated 59 O.S.

§ 1332(D) by failing to return the Defendant within ninety (90) days or remit payment in the face amount of the bond forfeiture within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture.

2. Pursuant to 59 O.S. § 1310(B), any bondsman or company violating a provision of the Bail Bond Act, 59 O.S. §§ 1301-1340, may be subject to a fine of not less than \$250 but not more than \$2,500.

**ORDER**

**IS THEREFORE ORDERED** that Kristie Zimmerman and Dennis Wharton are each **CENSURED** and **FINED** Two Hundred Fifty Dollars (\$250.00).

**IT IS FURTHER ORDERED** that the face amount of the bond forfeiture shall be deposited with the Tulsa Municipal Court Clerk (or the bond forfeiture otherwise set aside or the bond exonerated) within thirty (30) days of receipt of this Order. Failure to do so shall result in the **CANCELLATION** of Dennis Wharton's license privilege and authorization to do business within the State of Oklahoma and **CANCELLATION** of the surety appointment of all surety bondsman agents of Dennis Wharton.

Respondents are further notified that they 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 Dan R. Byrd, Assistant General Counsel, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> Suite 100, Oklahoma City, Oklahoma 73112 and **give an explanation of Respondents' actions alleged herein and any defenses thereto.**

**If Respondents do not request a hearing within the 30 days allotted, this Order shall become a FINAL ORDER on the 31<sup>st</sup> day following the receipt of the Order, and the fines ordered**

herein shall be due.

WITNESS My Hand and Official Seal this 21<sup>st</sup> day of July, 2014.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

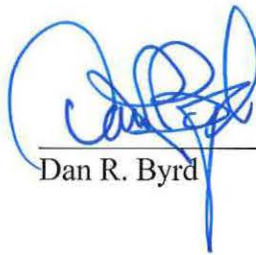
Dan R. Byrd  
Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 522-6330  
Fax (405) 522-0125

**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, return receipt requested, on this 21<sup>st</sup> day of July, 2014, to:

Kristie Zimmerman  
105 N. Denver Ave  
Tulsa, OK 74103-1819

Dennis Wharton  
4815 S. Harvard Ave., Ste. 335  
Tulsa, OK 74135-3038



---

Dan R. Byrd

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

7001 0320 0004 4248 1114

**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp;</b>		
Sent To Kristie Zimmerman 105 N. Denver Ave. Tulsa, OK 74103-1819 <b>sms/14-0718-DIS/Cond Ord</b>		
Street, Apt. No., or PO Box No. City, State, ZIP+4		

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:

Kristie Zimmerman  
 105 N. Denver Ave.  
 Tulsa, OK 74103-1819  
**sms/14-0718-DIS/Cond Ord**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 *Holly Rosser*  Addressee

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

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

2. Article Number (Transfer from service label) **7001 0320 0004 4248 1114**

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

7001 0320 0004 4248 1107

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

Dennis Wharton  
 4815 S. Harvard Ave., Suite 335  
 Tulsa, OK 74135-3038  
 sms/14-0718-DIS/Cond Ord

PS Form 3800, January 2001

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No                      If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Dennis Wharton                      4815 S. Harvard Ave., Suite 335                      Tulsa, OK 74135-3038                      sms/14-0718-DIS/Cond Ord</p>	<p>RECEIVED                      OKLAHOMA INSURANCE DEPARTMENT                      JUL 29 2014                      Legal Division</p>
<p>2. Article Number                      (Transfer from service label)</p> <p>7001 0320 0004 4248 1107</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>