

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

FILED

SEP 05 2014

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
Petitioner,)
vs.)
TIMOTHY ADAM CARTER, a licensed bail)
bondsman in the State of Oklahoma,)
AND)
JANATHA CARTER, a professional bail)
bondsman licensed in the State of Oklahoma,)
Respondents.)

CASE NO. 14-0860-DIS

**AMENDED 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 Timothy Adam Carter (“T. Carter”) is a licensed bail bondsman in the State of Oklahoma holding license number 100105885.

3. Respondent Janatha Carter (“J. Carter”) is a licensed professional bail bondsman in the State of Oklahoma holding license number 199348.

FINDINGS OF FACT

1. On or about July 9, 2013, an appearance bond was executed as follows:

Defendant: Shelly Elizabeth Lara
Case Number(s): CM-2013-119
City/County: Craig County District Court
Surety: Janatha Carter
Bondsman: Timothy Adam Carter
Power Number(s): 9324
Bond Amount(s): \$1000

2. On January 29, 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 February 4, 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. T. Carter received a copy of the Order and Judgment of Forfeiture on February 6, 2014.

4. J. Carter received a copy of the Order and Judgment of Forfeiture on February 6, 2014.

5. The ninetieth (90th) day after receipt of the Order and Judgment of Forfeiture by Respondents was Wednesday, May 7, 2014.

6. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Thursday, May 8, 2014. On April 28, 2014 a Motion and ORDER was filed in case CM-2013-126 and CM-2013-1119. The Order Stayed the Forfeitures for an additional 90 days or 180 days after the forfeiture was ordered and Janatha Carter was notified. Janatha Carter was notified on February 6, 2014; 180 days is Tuesday, August 5, 2014.

7. The bond forfeiture was paid late on September 2, 2014.

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.

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 Timothy Adam Carter and Janatha Carter are each CENSURED.

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 56th 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 31st day following the receipt of the Order, and the fines ordered herein shall be due.

WITNESS My Hand and Official Seal this 5th day of September, 2014.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

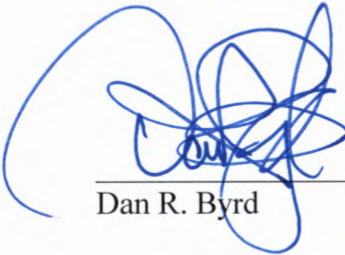
Dan R. Byrd
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 522-6330
Fax (405) 522-0125

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 5th day of September, 2014, to:

Timothy Adam Carter
210 S. Wilson St.
Vinita, OK 74301-3732

Janatha Carter
210 S. Wilson St.
Vinita, OK 74301-3723



Dan R. Byrd

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Total Postage: _____

Sent To: **Timothy Adam Carter**
 210 S. Wilson St.
 Vinita, OK 74301-3732
sms/14-0860-DIS/Amd Ord

PS Form 3800, August 2006 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:

Timothy Adam Carter
 210 S. Wilson St.
 Vinita, OK 74301-3732
sms/14-0860-DIS/Amd Ord

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *T. Carter* Agent Addressee

B. Received by (Printed Name): *T. Carter* C. Date of Delivery: _____

Address different from item 1? Yes No
 If YES, enter delivery address below: _____

RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT

SEP 1 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

2. Article Number
 (Transfer from service label)

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Total Postage & Fees	



Sent To: **Janatha Carter**
 210 S. Wilson St.
 Vinita, OK 74301-3732
 sms/14-0860-DIS/Amd Ord

PS Form 3800, August 2006 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:

Janatha Carter
 210 S. Wilson St.
 Vinita, OK 74301-3732
 sms/14-0860-DIS/Amd Ord

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *Janatha Carter* Agent Addressee

B. Received by (Printed Name): *Janatha Carter* C. Date of Delivery: _____

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: _____

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

4. Restricted Delivery? (Extra Fee) Yes

RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT
 SEP 11 2014
 Legal Division

2. Article Number (Transfer from service label) **7014 0150 0001 9588 2142**