

**FILED**  
JAN 06 2015  
INSURANCE COMMISSIONER  
OKLAHOMA

**Case No. 14-1230-DIS**

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through counsel and alleges and states as follows:

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.

## FINDINGS OF FACT

1

2. A review of the docket sheets reflects that on August 8, 2014 Respondent executed the appearance bonds for the Defendant Courtland Davis in Payne County cases CF-2013-267 and CF-2014-425. On September 12, 2014 Respondent surrendered Defendant Courtland Davis back into custody. The Re-Commitment of Defendant by Bondsman form filed on September 16, 2014 indicates the reason for return of failure to pay the bond premium.

3. On October 23, 2014 Department staff sent a letter to Respondent via certified mail ordering Respondent to respond within ten (10) days from receipt of the letter. The letter was mailed to Respondent's mailing/business address at the time. The letter was returned by USPS marked Return to Sender, Attempted Not Known, Unable to Forward.

4. On October 31, 2014 Department staff sent a second request letter to Respondent via certified mail to Respondent's residence address ordering a response within ten (10) days from receipt of the letter. Respondent signed for the letter on November 20, 2014.

5. Department staff received a telephone call from Respondent on December 1, 2014 asking if bail bondsman Steven Snyder had responded for her. Respondent was advised that Steven Snyder had not responded for her and that she needed to respond and also file her reports. Respondent stated that she would fax a response.

6. The Department also contacted the insurance company, American Contractors Indemnity Company ("ACIC"), regarding the complaint. On November 13, 2014 the Department received a letter of the same date from M. Joseph Rosas, Bail & Bail Claims Attorney on behalf of ACIC, which advised that ACIC did not approve appearance bond number AUL-2094817 or appearance bond number AUL-2094850 and that ACIC did not receive premium for appearance bond number AUL-2094817 or appearance bond number AUL-2094850. AUL-2094817 is the power of attorney for CF-2013-267 Rape

charge in the amount of Twenty Thousand Dollars (\$20,000.00) and AUL-2094850 is the power of attorney for CF-2014-425 Robbery charge in the amount of One Hundred Thousand Dollars (\$100,000.00).

7. Court records show that Respondent and ACIC executed new appearance bonds for Defendant Courtland Davis on November 14, 2014 for cases CF-2013-267 Rape charge and CF-2014-363 Sex Registry charge.

8. Since Respondent failed to provide any documents or receipts and ACIC advised that they had not approved the first two appearance bonds, on December 3, 2014 Department staff sent Respondent letters to her mailing/business and residence addresses advising that the premium should be returned to the complainant. The letter to the mailing/business address was returned by the USPS marked Return to Sender, Attempted Not Known, Unable to Forward. The letter to her residence was signed for on December 6, 2014. The signature is illegible.

9. On December 8, 2014 the Department received a single page response from Respondent. On December 9, 2014 the Department received an email from Respondent with four pages attached. Three of the attachments are copies of Receipts for Collateral forms and one is a Certificate of Discharge form. The forms are ACIC forms used by bail bondsmen. All four regard Defendant Courtland Davis. The email also states that Respondent has a letter from Stephanie Davis, the complainant. Respondent has not submitted the letter from the complainant.

### **CONCLUSIONS OF LAW**

1. Respondent has violated 59 O.S. § 1310(A)(2) for violation of any laws of this state or any lawful rule, regulation, or order of the Commissioner relating to bail.

2. Respondent has violated 59 O.S. § 1310(A)(23) for failing to notify the Commissioner of



a change of legal name, mailing address, email address, or telephone number within five (days) after a change is made and for failing to respond to a properly mailed notification within a reasonable amount of time.

3. Respondent has violated 59 O.S. § 1314(C) for failing to keep at her place of business the usual and customary records pertaining to transactions authorized by her. All such records shall be available and open to the inspection of the Commissioner at any time during business hours during the three (3) years immediately following the date of the transaction.

4. Respondent has violated OAC 365:25-5-37 for failing to maintain records at her place of business for a period of three (3) years immediately following the date of the transaction. Such records shall be readily available for inspection to the Commissioner at any time during business hours and shall include, but not be limited to: (1) bail bond application; (2) indemnity agreement; (3) promissory note; (4) credit agreement; (5) copies of deeds or mortgages received or released; (6) description of personal properties received or released; (7) accounting of monies received and receipted; (8) copy of appearance bond; (9) copy of individually numbered power of attorney; (10) picture of defendant; and (11) bank records on escrow accounts.

5. Respondent has violated 59 O.S. § 1316(C) for failing to provide the indemnitors with a proper receipt which shall include fees, premium or other payments and copies of any agreements executed relating to the appearance bond.

6. Respondent has violated 59 O.S. § 1316(E) for failing to include her name and last-known mailing address of Respondent and, if applicable, of the insurer. The appearance bonds executed by Respondent on August 8, 2014 did not contain her address on file with the Department at that time. The appearance bonds executed by Respondent on November 14, 2014 did not contain her address on

file with the Department at that time.

7. On September 12, 2014 Respondent surrendered Defendant Courtland Davis back into custody in Payne County District Court cases CF-2014-425 and CF-2014-363. The Re-Commitment of Defendant by Bondsman form was filed on September 16, 2014. However, Respondent did not execute the appearance bond in CF-2014-363. That appearance bond was executed by Misty Garcia on United States Fire Insurance Company ("USFIC") power of attorney number U10-20495846. Respondent has never been appointed with USFIC and did not have the authority to surrender Defendant Courtland Davis on Payne County District Court case CF-2014-363. This surrender was improper and in violation of 59 O.S. § 1310(A)(2).

8. Pursuant to 59 O.S. § 1310(B), "any person violating any provision of Sections 1301 through 1340 of this title may be subject to a civil penalty of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each occurrence."

### **ORDER**

**IT IS THEREFORE ORDERED** that Tanya Arbertha is **CENSURED** and **FINED** Seven Hundred Fifty Dollars (\$750.00). Respondent is further notified that she may request a hearing within thirty (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, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112, and **state the basis for requesting the hearing**.

**If Respondent does not request a hearing within the thirty (30) days allotted, this Order shall become a FINAL ORDER on the thirty-first (31<sup>st</sup>) day following the receipt of the Order.**

WITNESS My Hand and Official Seal this 6<sup>th</sup> day of January, 2015.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

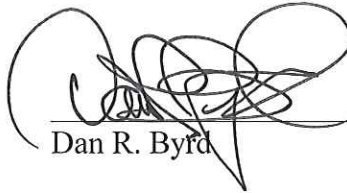
Dan R. Byrd  
Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 522-6330  
Fax (405) 522-0125

**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 6<sup>th</sup> day of January, 2015, to:

Tanya Arbertha  
402 S. Benjamin  
Stillwater, OK 74074

**CERTIFIED MAIL NO:  
7014 2870 0000 5493 2583**



A handwritten signature in black ink, appearing to read 'Dan R. Byrd', is written over a horizontal line.

Dan R. Byrd



7014 2870 0000 5493 2583

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or PO Box No.

City, State, ZIP+4

Tanya Arbertha  
402 S. Benjamin  
Stillwater, OK 74074  
14-1230-DISIDRB(mt)  
Cond.Adm.Ord. ~01-06-15



PS Form 3800, July 2014

See Reverse for Instructions



**JOHN D. DOAK**  
**Insurance Commissioner**  
Oklahoma Insurance Department  
5 Corporate Plaza  
3625 N.W. 56th St., Ste. #100  
Oklahoma City, OK 73112-4511

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01/06/2015

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for  
402  
SSARPO

RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT

JAN 20 2015

Tanya Arbertha  
402 S. Benjamin  
Stillwater, OK 74074

NIXIE 731 FE 1009 Division 0001/13/15

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

BC: 73112451125 \*0657-04725-06-40

731124511



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: OKLAHOMA INSURANCE DEPARTMENT

Tanya Arbertha  
402 S. Benjamin  
Stillwater, OK 74074  
14-1230-DIS/DRB(mt)  
Cond. Adm. Ord. ~01-06-15

2. Article Number  
(Transfer from service label)

7014 2870 0000 5493 2583

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
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

JAN 20 2015

Legal Division

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(Endorsement Required)

Total Postage & Fee

Tanya Arbertha

402 S. Benjamin

Stillwater, OK 74074

14-1230-DIS/DRB(mt)

Cond. Adm. Ord. ~01-06-15

Sent To

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or PO Box No.

City, State, ZIP+4

PS Form 3800, July 2014

See Reverse for Instructions

