# BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

BEFORE THE INSURANCE STATE OF O	
STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner, Petitioner,	INSURANCE COMMISSIONER  OKLAHOMA
vs.	) Case No. 15-0399-DIS
BRIAN MICHAEL ERWIN, a licensed bail	)
bondsman in the State of Oklahoma,	)
Respondent.	)

#### ADMINISTRATIVE ORDER

This matter is an administrative proceeding under the Oklahoma Bail Bond Act. The Oklahoma Insurance Department (the "Department") issued a Notice of Hearing on April 20, 2015, to afford Brian Michael Erwin ("Respondent") the opportunity to present his case regarding why his bail bond license should not be revoked by the Department.

The hearing was set before the undersigned Hearing Examiner for May 7, 2015, but was continued at the request of the Department until June 11, 2015.

On June 11, 2015, the above-captioned case came on for hearing at the office of the Department, 3625 N.W. 56th 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 an employee of the Department. Petitioner was represented by Assistant General Counsel, Dan R. Byrd. Respondent, Brian Michael Erwin appeared in person and was not represented by an attorney. Petitioner offered an exhibit as proof to support the statement of facts and alleged violations of law contained in the Notice of Hearing. Respondent testified on his behalf and offered no exhibits as proof to deny the Statement of Facts and Alleged Violations of Law

contained in the Notice of Hearing. 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.
- Applicant is a licensed bail bondsman in the State of Oklahoma holding license number 100197432.
- 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 was arrested on November 7, 2014 on DUI and traffic charges. On February 5, 2015 charges were filed in Oklahoma County Case No. CF-2015-891(Criminal Felony) for Driving While Under the Influence in violation of 47 O.S. § 11-902(A)(2).
- 2. On March 12, 2015 Respondent entered a negotiated plea of guilty and received a five year deferred sentence.
- 3. 59. O.S. § 1315(A)(1) prohibits persons convicted of, or who have pled guilty or nolo contendere to, any felony or to a misdemeanor involving dishonesty or moral turpitude from having a bail bond license.

## **CONCLUSIONS OF LAW**

- 1. Respondent has violated 59 O.S. § 1315(A)(1) by pleading guilty to a felony.
- 2. Respondent has violated 59 O.S. § 1310(A)(2) by violating a law of this state relating to bail.

# **ORDER**

Petitioner's testimony offered at hearing support the Statement of Facts and Alleged Violations of Law in the Notice of Hearing.

IT IS THEREFORE ORDERED that Brian Michael Erwin's bail bond license is revoked.

WITNESS My Hand and Official Seal this \_\_\_\_\_day of June, 2015.

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INDEPENDENT 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 \_\_\_\_\_\_day of June, 2015, to:

Brian Michael Erwin 3617 NW 58<sup>th</sup> Street, Suite 200 Oklahoma City, OK 73112

CERTIFIED MAIL NO: 7015 0640 0004 4933 9566

and that a copy was delivered to:

**Bail Bonds Division** 

DAN R. BYRID

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

Fax (405) 522-6330

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