

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

**FILED**  
**DEC 16 2015**  
**INSURANCE COMMISSIONER**  
**OKLAHOMA**

**STATE OF OKLAHOMA, ex rel. JOHN D.**

**DOAK, Insurance Commissioner,**

**Petitioner,**

**vs.**

**ROBERT HEATH THOMPSON, a formerly**

**licensed bail bondsman in the State of**

**Oklahoma,**

**AND**

**KEITH L. ERVIN, a licensed multicounty**

**agent bondsman in the State of Oklahoma,**

**Respondents.**

**Case No. 15-1252-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 on October 30, 2015, alleging that Respondents Robert Heath Thompson ("Thompson") and Keith L. Ervin ("Ervin") violated numerous provisions of the Bail Bond Act.

The hearing was set before the undersigned Hearing Examiner for November 19, 2015 but was continued by agreement of the parties for December 9, 2015.

Petitioner appeared through Counsel Dan R. Byrd on December 9, 2015. Ervin appeared and was represented by Counsel Jeff Eulberg. Thompson failed to appear. Petitioner offered proof to support the proper service upon Thompson by certified mail at the Thompson's current address of record with the Department. Petitioner called one witness and offered exhibits as proof to support the statement of facts and alleged violations of law contained in the Notice of Hearing and Order to Show Cause. Ervin testified on his behalf and offered 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.

2 Thompson was a licensed bail bondsman in the State of Oklahoma holding license number 100106369 that expired on September 30, 2013.

3. Ervin is a licensed multicounty agent bondsman in the State of Oklahoma holding license number 199378.

4. 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. On June 20, 2014, the Department's Bail Bond Division received a Consumer Complaint from Ronald William Nelson ("Nelson") that alleged Thompson will not return cash collateral. Nelson submitted a copy of a wire transfer from River City Bank. The transfer indicates that Six Thousand Dollars (\$6,000.00) was transferred to Thompson's Navy Federal Credit Union account on July 27, 2011 by Nelson's son, Kevin S. Nelson. Nelson also submitted a copy of his bank statement indicating the transfer of Six Thousand Dollars (\$6,000.00).

2. The Department's Bail Bond Division investigated Nelson's complaint based on 59

O.S. § 1310(E).

3. On July 21, 2011, Thompson executed an appearance bond in Tulsa County District Court case NF-2011-4566, which was later filed as CF-2011-2770. The appearance bond was in the amount of Five Thousand Dollars (\$5,000.00) and executed on insurer Keith Ervin's power of attorney number Q2.

4. The appearance bond's Affidavit as to Undertaking and Qualifications of Surety section indicates Five Hundred Dollars (\$500.00) as premium and Five Thousand Dollars (\$5,000.00) as cash collateral. These same amounts were reported to the Department on Keith Ervin's July 2011 professional report. Nelson had paid Thompson Five Hundred Dollars (\$500.00) in cash as premium for the Five Thousand Dollars (\$5,000.00) appearance bond in addition to the Six Thousand Dollars (\$6,000.00) that Thompson had received from Nelson's son, Kevin S. Nelson, via wire transfer on July 27, 2011.

5. The docket sheet in Tulsa County District Court case CF-2011-2770 indicates that on June 25, 2012 Nelson was convicted and the bond was exonerated. According to 59 O.S. § 1310(A)(21), collateral security shall be returned immediately upon final termination of liability on the bond and upon satisfaction of all terms, conditions, and obligations contained within the indemnity agreement. See also 59 O.S. § 1314(A).

6. On June 19, 2014 Department staff sent a letter, via certified mail, to Thompson ordering him to respond to the allegations in the complaint. Thompson signed for the letter on June 25, 2014. On the same date Department staff sent a letter, via certified mail, to Keith Ervin the insurer on the appearance bond. M. Jones signed for the letter but did not date the USPS form 3811, the green card.

7. The Department received Keith Ervin's response on June 26, 2014 and Thompson's response on July 10, 2014.

8. On July 17, 2014 the Department sent a letter, via certified mail, to Thompson advising him to return the cash collateral to Nelson. Thompson signed for receipt of the letter but did not date the USPS form 3811, the green card. Per [www.usps.com](http://www.usps.com) Thompson received the letter on July 19, 2014.

9. In telephone calls Department staff had with Thompson on July 22, 2014 and August 15, 2014 Thompson stated that he would return the cash collateral. On October 31, 2014 Department staff attempted to contact Nelson by telephone at (916) 390-0466, but received a message stating that the number is not a working number.

10. Ervin requested the Department on June 23, 2011 to approve his appointment of Thompson to write bail bonds under his professional bail bond license using his Power of Attorney.

11. The Department approved Ervin's appointment of Thompson on July 8, 2011. Section 6 of the Appointment document states: "I have investigated his (her) character and background and am satisfied that he (she) is trustworthy and qualified to represent the company/professional in Oklahoma. I hereby certify the individual named above is duly appointed as indicated from the date accepted by the Insurance Department, **and I accept full responsibility for his/her actions.**"

12. On November 14, 2014, the Department filed a Conditional Administrative Order and Notice of Right to be Heard against Thompson in Case No. 14-1091-DIS. Thompson signed the certified mail no. 7014 0150 0001 9588 5402 receipt of the Conditional Administrative Order and Notice of Right to be Heard, which was sent to Thompson's address of record with the Department



at 1316 S. 262<sup>nd</sup> West Ave., Sand Springs, OK 74063-9631 on November 11, 2014.

13. The Conditional Administrative Order filed against Thompson censured and fined Thompson \$250 for unlawfully withholding monies owed to Ronald William Nelson in the conduct of his business under his bail bond license in violation of 59 O.S. §§ 1310(A)(2)(4) and (22) and 59 O.S. § 1310(B). In addition, the Conditional Administrative Order further Ordered Thompson to pay Ronald William Nelson Six Thousand Dollars (\$6,000.00) and provide documentation of such payment to the Department.

14. Thompson did not request a hearing for the Conditional Administrative Order in Case No. 14-1091-DIS so the Conditional Administrative Order became a Final Order on December 26, 2014.

15. As of the date of this Order, Thompson has not paid Ronald William Nelson Six Thousand Dollars (\$6,000.00) and provided documentation of such payment as required by the Final Order.

16. On August 3, 2015, the Department's Assistant General Counsel, Dan R. Byrd, sent a letter via certified mail to Ervin requesting that Ervin pay Ronald William Nelson Six Thousand Dollars (\$6,000.00), which represents the amount that Thompson was ordered to pay Ronald Nelson in the Final Order because in his Appointment and Power of Attorney of June 23, 2011 Ervin had accepted full responsibility for Nelson's actions.

17. As of the date of this Order, Ervin has failed to respond to this letter or notify the Department that he has paid Ronald Nelson as requested.

#### **CONCLUSIONS OF LAW**

1. Ervin has violated 59 O.S. § 1310(A)(7) by failing to comply with, or violation of any

proper order, rule, or regulation of the Commissioner.

2. Ervin 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.

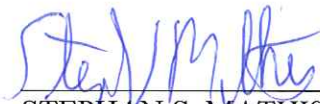
**ORDER**

Petitioner's testimony offered at hearing support the Allegations of Fact and Alleged Violations of Law in the Amended Notice of Hearing and Order to Show Cause as true and correct.

**IT IS THEREFORE ORDERED** that Keith L. Ervin is **FINED** Five Hundred Dollars (\$500.00) and is assessed the costs of the hearing in the amount of Two Hundred Fifty Dollars (\$250.00), due and payable to the Oklahoma Insurance Department within thirty (30) days after the date of hearing.

WITNESS My Hand and Official Seal this 14<sup>th</sup> day of December, 2015.



  
STEPHAN S. MATHIS  
INDEPENDENT HEARING EXAMINER  
OKLAHOMA INSURANCE DEPARTMENT

**CERTIFICATE OF MAILING**

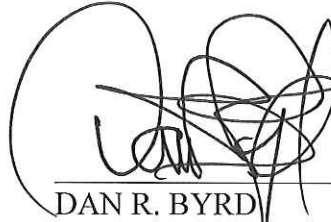
I, Dan R. Byrd, hereby certify that a true and correct copy of the above and foregoing Administrative Order was mailed via certified mail with return receipt requested, and via regular mail, on this 16<sup>th</sup> day of December, 2015, to:

Jeff Eulberg  
Eulberg Law Office, PLLC  
925 NW 6<sup>th</sup>  
Oklahoma City, OK 73106  
Attorney for Respondent Keith L. Ervin

**CERTIFIED MAIL NO: 7015 0640 0002 7406 3094**

and that a copy was delivered to:

Bail Bonds Division

A handwritten signature in black ink, appearing to read 'Dan R. Byrd', is written over a horizontal line. The signature is stylized with large loops and a prominent 'D'.

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

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Jeff Eulberg  
 Eulberg Law Office, PLLC  
 925 N.W. 6TH  
 Oklahoma City, OK 73106  
 Attorney for Respondent  
 15-1252-DIS/DRB(mt)  
 (Adm.Ord.-12-16-15)

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Jeff Eulberg  
 Eulberg Law Office, PLLC  
 925 N.W. 6TH  
 Oklahoma City, OK 73106  
 Attorney for Respondent  
 15-1252-DIS/DRB(mt)  
 (Adm.Ord.-12-16-15)



9590 9403 0272 5155 1333 22

2. Article Number (Transfer from service label)

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X *[Signature]*

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☐ Addressee

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C. Date of Delivery

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Legal Division

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