BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

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| STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner, Petitioner, |))) | INSU | RANCE COMMISSIONER OKLAHOMA |
| VS. |) | | JOINA SOINER |
| |) | Case No. 16-0023-DIS | |
| LISA ANN BARNES, a licensed bail bondsman in |) | | |
| the State of Oklahoma, |) | | |
| Respondent. |) | | |

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 Lisa Ann Barnes ("Respondent") is a licensed bail bondsman in the State of Oklahoma holding license number 100187652.

FINDINGS OF FACT

- 1. On November 17, 2015 the Oklahoma Insurance Department's (the "Department") Bail Bond Division received a complaint from Lacey Crane against the Respondent. The complaint alleges that Respondent transferred ownership of real estate property by filing a Quit Claim Deed and that Respondent failed to provide copies of bail bond documents.
- Respondent submitted her July 2015 Roche Surety & Casualty Company, Inc. report to 2. the Department which reflects she executed five (5) appearance bonds for Defendant Jabaica Lee

Tecumseh on July 9, 2015. The July 2015 report indicates no collateral received.

- 3. Department staff obtained a copy of the Quit Claim Deed filed July 15, 2015 with the Okmulgee County Clerk's office at Book 2132 Page 393. The property is deeded from Lacey Crane and Jabaica Tecumseh to Lisa Ann Barnes and/or LaDonna Austin. See attached Exhibit "A".
- 4. On November 23, 2015 Department staff sent letters to Respondent and insurer, Roche Surety & Casualty Company, Inc. requiring a response to the complaint.
- 5. Roche responded to the Department via email on December 2015 and advised that the appearance bonds had been exonerated and a Quit Claim Deed was recorded regarding the property. The attached Quit Claim Deed indicates the property being deeded from Lisa Barnes and LaDonna Austin back to Jabaica Tecumseh and Lacey Crane. See attached Exhibit "B".
- 6. Department staff attempted to contact Respondent via telephone but she was not available. Department staff spoke with Respondent's mother, Linda Rich Harris, and was advised that the response was in the mail, that Respondent had a nervous breakdown, and that the file had disappeared. Linda Rich Harris had mailed what documents she could find to the Department.
- 7. As of the date of this Order, Respondent has not responded to the Department regarding its request of Respondent for a response to the complaint.
- 8. On December 9, 2015 Roche Surety & Casualty Company, Inc. cancelled Respondent's appointment.
- 9. Although Linda Rich Harris advised that Respondent was not available, Respondent signed the December 2, 2015 Quit Claim Deed in the presence of a notary.
- 10. On July 9, 2015, appearance bonds were written by Respondent for Defendant Jabaica Lee Tecumseh in Okmulgee County Case Numbers CF-2013-463 in the amount of Ten Thousand

Dollars (\$10,000.00), CF-2015-244B in the amount of Fifty Thousand Dollars (\$50,000.00), CF-2015-244B in the amount of One Thousand Dollars (\$1,000.00), CF-2014-245 in the amount of Ten Thousand Dollars (\$10,000.00), and CF-2014-162 in the amount of Ten Thousand Dollars (\$10,000.00). In each of these cases referenced above collateral was received but not indicated on the report in violation of 59 O.S. § 1314(B), there was no mortgage, but a Quit Claim Deed that was not in the name of the insurer, but was in the name of the Respondent and/or LaDonna Austin who is not a licensed surety or professional bail bondsman in violation of 59 O.S. § 1314(A), no copy of a mortgage or Quit Claim Deed was filed with the appearance bonds in violation of 59 O.S. § 1322(D), and the Affidavits as to Undertaking were incomplete because they did not provide a description and value of the property that was accepted as collateral and from whom it was accepted on the Affidavit of Undertakings on the bonds in the Okmulgee County cases in violation of 59 O.S. § 1322(A) and O.A.C. 365:25-5-39.

CONCLUSIONS OF LAW

- 11. Respondent has violated 59 O.S. § 1314(B) by not indicating that collateral was received on the report to the Department for the bonds in the Okmulgee County cases.
- 12. Respondent has violated 59 O.S. § 1314(A) by receiving collateral and holding collateral in the name of Respondent and/or LaDonna Austin not licensed as a surety or professional bail bondsman, and not in the name of the insurer or professional bail bondsman.
- 13. Respondent has violated 59 O.S. § 1322(D) by not filing a copy of the mortgage or Quit Claim Deed with the appearance bonds in the Okmulgee County cases.
- 14. Respondent has violated 59 O.S. § 1322(A) and O.A.C. 365:25-5-39 by failing to provide a description and value of the property that was accepted as collateral and from whom it was

accepted on the Affidavits of Undertaking on the bonds in the Okmulgee County cases.

- 15. Respondent has violated 59 O.S. § 1310(A)(23) by failing to respond to a properly mailed notification from the Department within a reasonable amount of time.
- 16. 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 <u>each occurrence</u>."

ORDER

IT IS THEREFORE ORDERED that Lisa Ann Barnes is CENSURED and FINED Two Thousand Five Hundred Dollars (\$2,500.00) for not indicating that collateral was received on the report to the Department for the bonds in the Okmulgee County cases, receiving collateral and holding collateral in the name of Respondent and/or LaDonna Austin not licensed as a surety or professional bail bondsman, and not in the name of the insurer or professional bail bondsman, not filing a copy of the mortgage or Quit Claim Deed with the appearance bonds in the Okmulgee County cases, failing to provide a description and value of the property that was accepted as collateral and from whom it was accepted on the Affidavits of Undertaking on the bonds in the Okmulgee County cases, and failing to respond to a properly mailed notification from the Department within a reasonable amount of time.

Respondent is further notified that she 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, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112, and <u>state the basis for requesting the hearing</u>.

If Respondent does 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.

WITNESS My Hand and Official Seal this ______day of January, 2016.



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 _____day of January, 2016, to:

Lisa Ann Barnes 404 W. 8th St. Okmulgee, OK 74447-7740

CERTIFIED MAIL NO: 7015 0640 0002 7406 5128

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I-2015-007360 Book 2132 Pg: 393 07/15/2015 2:57 pm Pg 0393-0393 Fee: \$13,00 Doo: \$12.00 Bocky Thomas - Okmulgee County Clerk



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RECEIVED OKLAHOMA INSURANCE DEPARTMENT

NOV 2 3 2015

BAIL BOND

I-2015-012303 Book 2146 Pg: 713 12/02/2015 4:07 pm Pg 0713-0713 Fee: \$ 13.00 Doo. \$ 0.00 Backy Thomas - Okmulgee County Clerk



| (Individual Form) | QUIT CLAIM DEED | T. T |
|--|--|--|
| KNOW ALL MEN BY THESE PRESEN | T\$: | AND SHOWING |
| That Lisa Bar | nes and Labonna Aus | stin |
| | | * |
| | | part(y) (iss) of the first part, |
| in consideration of the sum of and other valuable consideration | ns, in hand paid, the receipt of which is hereby acknown | Tendollars, |
| | into Jahaira Tecumseh | |
| Lacey Crane | - 800 S. OKmuljat | OKLAhoma 74447 |
| <u></u> | | |
| narry (ica) of the record nart of | ll(his) (her) (their) right, title, interest, estate, and eve | awa alasu and Janan J. bash at land |
| | llowing described real property and promises situate (| |
| County, State of Okianoma, to-wi | lu 00 5, Okmaljeu, Oklahoma, | 3 |
| | and the North Half (| N/2) all als |
| | 10 in Capital Heights and | Ma TOT LOT &, |
| Addition | n to the City of OKmulg | 100 |
| | gee County, Oklahoma | 100, |
| ۵ ۸۱۱/۰۷۱ | goo wany, okanoma | |
| | | |
| | | |
| | | |
| | | |
| MO Co. | nsideration - & R.H | |
| | | |
| English and American State of the Contraction | ate thereon and the appurtenances thereunto belongin e above described premises unto the said part(y) (ies) o | |
| heirs and assigns forever. | | |
| Signed and delivered this | and day or Decemi | ber |
| aemrace . wark | Da Jane | Hustin |
| | The state of the s | 17 |
| State of DKlahon | INDIVIDUAL ACKNOWLEDGMENT | Ĭ |
| brave or | , county of | |
| / | a Notary Public in and for said County and State, on | / / |
| _x/gcember | | Dusa Barks |
| - Adona Ull | Stig | - |
| to me known to be the identical | person(s) who executed the within and foregoing ins | trument, and acknowledged to me |
| | te same as (his) (her) (their) free and voluntary act as | |
| y hand and se | eal the day and year last above written. | _ |
| My comments depress 04/ | 104/16 J. Bichan | Ason Notary Public |
| END 04/04/16 | | |

EXHIBIT

B



| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|--|--|
| ■ Complete items 1, 2, and 3. ■ 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 mallpiece, or on the front if space permits. 1. A OKLAHOMA Lisa Ann Barnes 404 W. 8TH St. Okmulgee, OK 74447-7740 16-0023-DIS/DRB(mt) (Cond.Adm.Ord. & Notice 1-12-16) | A. Signature Agent Addressee Addressee B. Received by (Printed Name) C. Date of Delivery RECEIVED Re |
| 9590 9403 0272 5155 0723 24 2. Article Number (Transfer from service label) 7015 0640 0002 7406 5128 // | 3. Service Type ☐ Adult Signature ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery ☐ Insured Mail Restricted Delivery ☐ Registered Mail Restricted Delivery ☐ Signature Confirmation ☐ Restricted Delivery ☐ Restricted Delivery ☐ Restricted Delivery |
| PS Form 3811, April 2015 PBN 7530-02-000-9053 | Domestic Return Receipt |