

E

FILED
JAN 12 2016
INSURANCE COMMISSIONER
OKLAHOMA

Case No. 16-0023-DIS

JURISDICTION

FINDINGS OF FACT

2. Respondent submitted her July 2015 Roche Surety & Casualty Company, Inc. report to 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 each occurrence.”

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 **state the basis for requesting the hearing**.

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 12th day of January, 2016.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



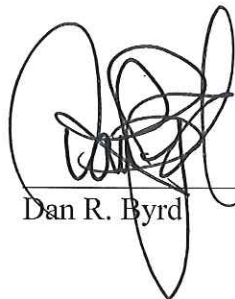
Dan R. Byrd
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 522-6330
Fax (405) 522-0125

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 12th day of January, 2016, to:

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

**CERTIFIED MAIL NO:
7015 0640 0002 7406 5128**



Dan R. Byrd



RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

NOV 23 2015

BAIL BOND

(Individual Form)

JOINT TENANCY QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT Lacey Crane and Tabrica Tecumseh

800 S Okmulgee

Okmulgee, OK 74447

partly (last) of the first part,

In consideration of the sum of _____ dollars,

and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby quitclaim, grant,

convey, sell and convey unto Lisa Ann Barnes and/or LaDonna Austin

404 W 8th St.

Okmulgee, OK 74447

as joint tenants and not as tenants in common, with the full rights of survivorship, the whole estate to vest in the survivor in event of the death of either parties of the second part, the following described real property and premises situate in

Okmulgee County, State of Oklahoma, to-wit:

Lot 1 and the North Half (N/2) of Lot 2, Block 10 in
Capital Heights 2nd Addition to the City of
Okmulgee, Okmulgee County, Oklahoma

together with all and singular the hereditaments and appurtenances thereunto belonging.

To Have and to Hold the above described premises unto the said parties of the second part as joint tenants, and to the heirs and assigns of the survivor forever.

Signed and delivered this 14th day of July, 2015

Lisa Ann Barnes
LaDonna Austin
404 W 8th, Okmulgee 74447

Lacey Crane
Tabrica Tecumseh

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Oklahoma County of Okmulgee SS.

Before me, the undersigned, a Notary Public in and for said County and State, on this 14th day of

July, 2015, personally appeared Lacey Crane
Tabrica Tecumseh.

I (we) known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that (he)

(she) executed the same as (his) (her) (their) free and voluntary act and deed for the uses and purposes therein set forth.

I (we) signed my hand and seal the day and year last above written.

My commission expires 04/04/16 J. Richardson Notary Public

Commission # 12003347



EXHIBIT

A

tabbles



(Individual Form)

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That Lisa Barnes and LaDonna Austin

part(y) (ies) of the first part,

in consideration of the sum of Ten dollars,
and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby quitclaim,

grant, bargain, sell, and convey unto Jahaira Tecumseh and
Lacey Crane - 800 S. Okmulgee, Oklahoma 74447

part(y) (ies) of the second part, all(his) (her) (their) right, title, interest, estate, and every claim and demand, both at law

and in equity, in and to all the following described real property and premises situate in Okmulgee
County, State of Oklahoma, to-wit:

Site: 800 S. Okmulgee, Oklahoma,
Lot 1 and the North Half (N/2) of Lot 2,
Block 10 in Capital Heights and
Addition to the City of Okmulgee,
Okmulgee County, Oklahoma

NO Consideration - L.R.H

together with all the improvements thereon and the appurtenances thereunto belonging.

TO HAVE AND TO HOLD the above described premises unto the said part(y) (ies) of the second part, (his) (her) (their)
heirs and assigns forever.

Signed and delivered this 2nd day of December, 2015

Lisa Barnes LaDonna Austin

INDIVIDUAL ACKNOWLEDGMENT

State of Oklahoma, County of Okmulgee, SS.

Before me, the undersigned, a Notary Public in and for said County and State, on this 2nd day of

December, 2015, personally appeared Lisa Barnes

LaDonna Austin

to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me
that (he) (she) (they) executed the same as (his) (her) (their) free and voluntary act and deed for the uses and purposes

in my hand and seal the day and year last above written.



04/04/16 J. Richardson Notary Public

EXHIBIT

B

7015 0640 0002 7406 5128

U.S. Postal ServiceTM
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee
\$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
\$
Total Postage and Fees
\$
Sent To
Street and Apt. No., or PO Box
City, State, ZIP+4®

Lisa Ann Barnes
404 W. 8TH St.
Okmulgee, OK 74447-7740
16-0023-DIS/DRB(mt)
(Cond. Adm. Ord. & Notice 1-12-16)



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

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- 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 mailpiece, or on the front if space permits.

1. Article Address and Name

Lisa Ann Barnes
404 W. 8TH St.
Okmulgee, OK 74447-7740
16-0023-DIS/DRB(mt)
(Cond. Adm. Ord. & Notice 1-12-16)



9590 9403 0272 5155 0723 24

2. Article Number (Transfer from service label)

7015 0640 0002 7406 5128

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Linda Rich

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Linda Rich

C. Date of Delivery

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

JAN 20 2016

Legal Division

3. Service Type

- ☐ 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 (over \$500)
- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt