

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

FILED
APR 07 2016
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,)	
Petitioner,)	
vs.)	
)	Case No. 16-0343-DIS
MICHAEL GAITHER, 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 Michael Gaither (“Respondent”) is a licensed bail bondsman in the State of Oklahoma holding license number 100216939.

FINDINGS OF FACT

1. Respondent failed to file his February 2016 NOSURTY report with the Oklahoma Insurance Department (“Department”), which was due Tuesday, March 15, 2016.
2. Respondent’s appointment with Joe Bob Nelson was cancelled on October 22, 2015. Respondent does not have any other appointments. Therefore, a NOSURTY report is required to be filed with the Department.
3. On March 28, 2016, Department staff sent an email to Respondent regarding failure to

file the report.

4. As of today's date, Respondent has not filed the report with the Department.

5. Respondent has three (3) previous administrations actions by the Department for failure to file reports for the preceding three (3) months.

CONCLUSIONS OF LAW

1. Respondent has violated 59 O.S. § 1310(A)(24) for failing to file a report as required by Section 1314.

2. Respondent has violated 59 O.S. § 1314(B), which states that "monthly reports shall be submitted electronically to the Insurance Commissioner by the fifteenth day of each month."

3. Respondent has violated 59 O.S. § 1314(D) for failing to pay reviewal fees.

4. 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 Michael Gaither is **CENSURED** and **FINED** One Thousand Five Hundred Dollars (\$1,500.00).

IT IS FURTHER ORDERED that Respondent shall pay all outstanding fines owed to the Department including the fine ordered in this matter, which total Three Thousand Seven Hundred-Fifty Dollars (\$3,750) and file his November, December, January and February NOSURETY reports with the Department. **Should Respondent fail to pay the outstanding fines and file his November, December, January and February NOSURETY reports with the Department his license shall immediately be suspended.** Respondent is further notified that he 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 56th St., Suite 100, Oklahoma City, Oklahoma 73112, and **state the basis for requesting the hearing.**

If Respondent has not paid the fines ordered herein and file his November, December, January and February NOSURETY reports with the Department, and does not request a hearing within the thirty (30) days allotted, this Order shall become a FINAL ORDER on the thirty-first (31st) day following the receipt of the Order, Respondent's license shall be immediately suspended, and the fines ordered herein shall be due.

WITNESS My Hand and Official Seal this 7th day of April, 2016.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

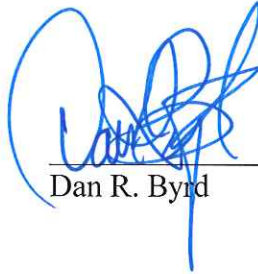

Dan R. Byrd
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 522-6330
Fax (405) 522-0125

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 7th day of April, 2016, to:

Michael Gaither
414 S.E. Washington Blvd. #132
Bartlesville, OK 74006

**CERTIFIED MAIL NO:
7015 3010 0001 4604 1690**



Dan R. Byrd

U.S. Postal Service™
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
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Sent To
 Street and Apt. No., or PO Box #

City, State, ZIP+4®

Michael Gaither
 414 S.E. Washington Blvd., #132
 Bartlesville, OK 74006
 16-0343-DIS/DRB(mt)
 (Cond. Adm. Ord. & Notice 4-07-16)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 4604 1690

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 Addressed to:

Michael Gaither
 414 S.E. Washington Blvd., #132
 Bartlesville, OK 74006
 16-0343-DIS/DRB(mt)
 (Cond. Adm. Ord. & Notice 4-07-16)



2. Article Number (Transfer from service label)

7015 3010 0001 4604 1690

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *James Hood* Agent
 Addressee

B. Received by (Printed Name)
James Hood

C. Date of Delivery
4-2-16

3. Delivery address different from item 1? Yes
 No

4. Delivery address below: Yes
 No

RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT
 APR 12 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

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt