

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

FILED
OCT 06 2016
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel., JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner,)
)
vs.)
)
MELANIE BRADFORD, a licensed Bail)
Bondsman in the State of Oklahoma,)
License # 200179,)
)
Respondent.)

Case No. 16-0749-DIS

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On October 1, 2016, this matter came on before the undersigned Administrative Law Judge for hearing pursuant to the written request of Respondent, Melanie Bradford. Petitioner, State of Oklahoma, ex rel., John D. Doak, Insurance Commissioner appeared by counsel, Sandra G. LaVenue, Esq., Senior Counsel. Petitioner, Melanie Bradford, appeared Pro Se. Based on the evidence, including the testimony of witnesses sworn and examined, as well as exhibits offered and admitted into evidence, the Administrative Law Judge finds and orders as follows:

On August 8, 2016, Petitioner issued a Conditional Administrative Order and Right to be Heard, pursuant to authority granted under 59 O.S., 2015, Supp., Section 1310(7). The Commissioner found that Respondent had failed to tender required reports on six occasions, by the 15th of February, March and July of 2016. In addition, the Commissioner censured Respondent conditioned on her acceptance of the censure and notifying her that if a hearing was requested, the censure was considered withdrawn and that the full range of possible discipline would be available and, that the issue would be resolved at the hearing.

On September 1, 2016, Respondent submitted a written response to the Order and Notice. Therein she admitted that the alleged reports due in February and March, 2016, were untimely, but she denied that she was untimely for the reports which were due July, 2016. She alleged that the reports had in fact been timely submitted based on her checking of emails in her office.

Accordingly, the issues for trial included whether the required reports which were due to be filed on or before July 15, 2016, were filed timely, and, whether, discipline, if any, should be imposed on Respondent.

FINDINGS OF FACT

1. Respondent is a licensed bondsman under the laws of the State of Oklahoma. As such she was required to electronically submit monthly reports for each line of authority she was authorized to represent by the 15th day of each month. 59 O.S., 2011, §1314(B).

2. The Administrative Law Judge takes judicial notice that Respondent was authorized to represent lines of authority with Crum & Forster Indemnity Company and Safety National Casualty Corporation.

3. Respondent failed to submit timely reports for either Crum & Forster or Safety National Casualty Corporation by the 15th day of February, 2016. Respondent failed to submit timely reports for either Crum & Forster or Safety National Casualty Corporation by the 15th day of March, 2016. Indeed, Respondent admitted in her response that these reports were untimely.

4. Respondent claims that she timely submitted reports for the month of July 2016. Responsive to this claim Petitioner called Renonda Stogstill as a witness. Ms. Stogstill is employed by the bail bond division of the Oklahoma Insurance Department, and, was assigned to review the reports of Respondent on a monthly basis.

She testified that electronic monthly reports are submitted to the state website - OK.gov which, in turn, provides them to the commissioner. The required reports are submitted along with a fee for each report to the commissioner. She said that prior to the issuance of the Conditional Order she reviewed the official records of the commissioner and found that the reports in question were untimely. The report due on February 15, 2016 was submitted the next day. She found that the reports due on March 15, 2016 were, likewise filed the next day or on March 16, 2016. Finally, she testified that according to the records of the commissioner, the reports due to be filed July 15, 2016 were, likewise, not filed until the next day, or July 16, 2016.

Respondent called Nicole Smith, one of her employees to testify. Ms. Smith testified that at some unidentified time there was a change from what she referred to as the "old computer" to the "new computer." She said there were problems with the computers which accounted for the late filings but did not identify either the nature or timing of the problems. With respect to the reports due on July 15, 2016, she identified Respondent's Exhibit 1 which purports to be an email supporting a timely filing. However, the email was not addressed to Ok.gov and was not sent to the office of the insurance commissioner.

Under further examination, Ms. Smith said she knew reports were due by the 15th of every month. She also testified that she kept a list of reports which were due as well as paper files which should have indicated whether and when reports due to the Commissioner were to be filed. Yet, in the instances detailed in the Conditional Order she did not check the files and apparently did not refer to the list of reports she claims she had. Finally, she admitted that she could have downloaded and printed a receipt from Ok.gov which would have shown what reports were filed and when, but produced none at the hearing.

The Administrative Law Judge finds that the allegations set out in the Conditional Order are true. Respondent's effort to demonstrate that the July reports were timely was neither credible nor worthy of belief.

CONCLUSIONS OF LAW

1. This proceeding is authorized under the authority of 59 O.S., 2015, Supp. §1310(7).
2. Respondent filed a timely request for a hearing.
3. At all material times, Respondent, Melanie Bradford, was a licensed bail bondsman holding License No. 200179 and held surety appointments with Crum & Forster Indemnity Company and Safety National Casualty Corporation.
4. Respondent was statutorily required, and, was required by the regulations of the Oklahoma Insurance Department, to electronically submit monthly reports for each appointment by the 15th day of each month. 59 O.S., 2011, §1314(B); OAC 365-25-5-36(a).
5. Respondent failed to file six separate required reports timely as required by law.
6. In addition to censure, any person violating any provision of the Oklahoma Bail Bond Act, 59 O.S., 2011, §§1301-1340, 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.
7. In her response to the Conditional Order, Respondent admitted four separate violations of Section 1314(B), *supra*. Moreover, the evidence submitted by Respondent purporting to show that she timely filed two reports due July 15, 2016, was entirely unpersuasive. Accordingly, Respondent, Melanie Bradford, is censured for her misconduct. In addition, the Administrative Law Judge imposes a civil penalty of \$250.00 for each of the violations demonstrated by the evidence for

a total penalty of \$1,500.00, plus the costs of this proceeding in the sum of \$975.00.

Charles F. Alden, III, OBA #0187
Charles F. Alden, III, Inc., P.C.
309 N.W. 9th Street
Oklahoma City, OK 73102
(405) 235-5255
(405) 235-8130 fax



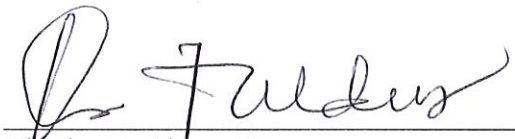

ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2016, I forwarded a true and correct copy of the above and foregoing, postage prepaid thereon, to:

Melanie Bradford
217 N. Harvey, Suite 504
Oklahoma City, OK 73102

John D. Doak, Insurance Commissioner
Sandra G. LaVenue, Senior Counsel
3625 N.W. 56th Street, Suite 100
Oklahoma City, OK 73112


Charles F. Alden, III

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Melanie Bradford
 217 N. Harvey, Suite 504
 Oklahoma City, OK 73102
16-0749-DIS/SGL(mt)
 (Findings of Fact. Concl. Of Law & Order
 10-06-16)

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

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- 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:

Melanie Bradford
 217 N. Harvey, Suite 504
 Oklahoma City, OK 73102
16-0749-DIS/SGL(mt)
 (Findings of Fact. Concl. Of Law & Order
 10-06-16)



2. Article Number (Transfer from service label)

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 X *Nicole Smith* Agent Addressee
 B. Received by (Printed Name) *Nicole Smith* C. Date of Delivery *10-11-16*
 D. Is delivery address different from item 1? Yes No
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OCT 14 2016
Legal Division

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

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