BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

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STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,) FEB 0 9 2017
Petitioner,	INSURANCE COMMISSIONER
MISTY FAUST, a licensed bail bondsman in the State of Oklahoma,))
Respondent.) CASE NO. 16-1043-DIS))

STIPULATION AND AGREED ORDER

COMES NOW Sandra LaVenue, Senior Counsel for the Oklahoma Insurance (OID), and Misty Faust (Respondent), who stipulate and agree to the following findings of fact and conclusions of law.

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. §§ 101-7401, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1341.
- 2. Misty Faust ("Respondent") is a licensed bail bondsman in the State of Oklahoma holding license number 100144426.
- 3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 59 O.S. §§ 1310 and 1332.

AGREED FINDINGS OF FACT

4. On or about October 14, 2015, an appearance bond was executed as follows:

Defendant:

Terry Mae Rutherford

Case Number(s):

CF-2015-134

City/County:

Nowata County American Contractors Indemnity Company

Surety:

Misty Faust

Bondsman: Power Number(s):

A15-2204671

Bond Amount(s):

\$5,000.00

- On November 2, 2015, the Defendant failed to appear and the bond was 5. declared forfeited. An Order and Judgment of Forfeiture was issued and filed in the case on November 3, 2015, by the Nowata County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Faust and ACIC with return receipt requested within thirty (30) days after the Order's filing.
 - 6. The Order and Judgment of Forfeiture sent to Faust was unclaimed.
- The ninety-first (91st) day after receipt of the Order and Judgment of 7. Forfeiture was February 12, 2016.
- 8. As of January 31, 2016, the forfeiture has not been paid nor has the defendant been timely returned to custody.
- Respondent voluntarily submits to the jurisdiction of OID without a hearing 9. and enters into this Stipulation and Agreed Order.
- 10. Respondent acknowledges the above stipulations of fact and the agreed conclusions of law and agrees to pay the amount of the Order and Judgment of Forfeiture to the Nowata Court Clerk and an administrative fine in the amount of Two Hundred and Fifty Dollars (\$250.00) in settlement of the matters alleged herein.

AGREED CONCLUSIONS OF LAW

Respondent has violated 59 O.S. § 1310(A)(2) and (28), by failing to 11. return the Defendant to custody within ninety (90) days or remit payment in the face amount of the bond forfeiture within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture in accordance with the provisions of 59 O.S. § 1332 and OAC 365:25-5-40 and 365:25-5-41.

Pursuant to 59 O.S. § 1310(B), any bondsman violating a provision of the 12. Bail Bond Act, 59 O.S. §§ 1301-1341, may be subject to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) but not more than Two Thousand and Five Hundred Dollars (\$2,500.00) per violation.

AGREED ORDER

IT THEREFORE ORDERED by the Insurance Commissioner, **CONSENTED TO** by Respondent, that:

- Respondent has violated 59 O.S. §§ 1310 and 1332 and is subject to a 1. penalty for that conduct.
- 2. Respondent is fined in the amount of Two Hundred and Fifty Dollars (\$250.00), which is due upon entry of this Agreed Order.
- Respondent further agrees that the amount of the forfeiture provided herein 3. shall be paid in full prior to entry of this Agreed Order.

WITNESS My Hand and Official Seal this day of February, 2017.

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JOHN D. DOAK INSURANCE COMMISSIONER STATE OF OKLAHOMA

APPROVED AS TO FORM:

Sandra LaVenue OBA# 13372

Senior Counsel

3625 NW 56th Street, Suite 100 Oklahoma City, Oklahoma, 73112 Tel. (405) 521-2746 Fax (405) 522-0125

CERTIFICATE OF MAILING

I certify that a true and correct copy of the attached Stipulation and Agreed Order was mailed regular mail on this 9th day of February, 2017, to:

Misty Faust 3B Bail Bonds P.O. Box 9 Bartlesville, Oklahoma 74005-0009

and that a copy was delivered to:

Bail Bond Division Oklahoma Insurance Department

SANDRA G. LAVENUE

Senior Counsel