

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**

DEC 30 2016

STATE OF OKLAHOMA, ex rel. JOHN D. )  
DOAK, Insurance Commissioner, )  
 )  
Petitioner, )  
vs. )  
 )  
JOSHUA TEHAUNO, a licensed bail )  
bondsman in the State of Oklahoma, )  
 )  
and )  
 )  
RUSSELL ROBERTS, a multicounty agent )  
bail bondsman licensed in the State of )  
Oklahoma, )  
 )  
Respondents. )

INSURANCE COMMISSIONER  
OKLAHOMA

Case No. 16-1053-DIS

**AMENDED 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, Barron B. Brown, 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. §§ 1301-1341.
2. Respondent Joshua Tehauno (“Tehauno”) is a licensed bail bondsman in the State of Oklahoma holding license number 100180403.
3. Respondent Russell Roberts (“Roberts”) is a licensed multicounty agent bondsman in the State of Oklahoma holding license number 200351.
4. Pursuant to 59 O.S. § 1310(B), in addition to any potential denial, censure,

suspension, or revocation, any person violating any provision of the Oklahoma Bail Bond Act 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 of a violation.

**ALLEGATIONS OF FACT**

1. On or about March 20, 2016, an appearance bond was executed as follows:

Defendant:	Biana Marie Sertuche
Case Number(s):	CM-2016-1792
City/County:	Tulsa County
Surety:	Russell Roberts
Bondsman:	Joshua Tehauno
Power Number(s):	27359, 27360, 27361 & 27362
Bond Amount(s):	\$1,000.00, \$250.00, \$100.00 & \$200.00

2. On August 9, 2016, the Defendant failed to appear and the bond was declared forfeited. On August 16, 2016, an Order and Judgment of Forfeiture was issued and filed in the case by the Tulsa County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondents with return receipt requested within thirty (30) days after the forfeiture Order's filing.

3. Tehauno received a copy of the Order and Judgment of Forfeiture on August 18, 2016.

4. Roberts received a copy of the Order and Judgment of Forfeiture on August 18, 2016.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was November 17, 2016.

6. The forfeiture was untimely paid on November 18, 2016.

**ALLEGED VIOLATIONS OF LAW**

1. Respondents have violated 59 O.S. § 1332(D); by failing to timely return the

Defendant within ninety (90) days or timely remit payment in the face amount of the bond forfeitures within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture.

**ORDER**

**IT IS THEREFORE ORDERED that Respondents Tehauno and Roberts are each CENSURED.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first day following the date of mailing this Order. A request for hearing should be in writing addressed to Barron B. Brown, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under Oklahoma Insurance Code (36 O.S. §§ 101 et seq.), the Oklahoma Bail Bond Act (specifically- 59 O.S. §§ 1311-1311.1) and the Oklahoma Administrative Procedures Act (75 O.S. §§ 308a et seq.). If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as notice of the matters to be reviewed at the hearing, and the Allegations of Fact, Alleged Violations of Law, and penalties imposed in this Conditional Order shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 30<sup>th</sup> day of December, 2016.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA



Barron B. Brown  
Assistant General Counsel  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
(405) 521-2746

**CERTIFICATE OF MAILING**

I, Barron B. Brown, 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 by certified mail, with postage prepaid and return receipt requested, and by electronic mail on this 30<sup>th</sup> day of December, 2016, to:

Jeff Eulberg  
*Counsel for Respondents*  
Eulberg Law Office, PLLC  
925 NW 6th Street  
Okla. City, OK 73106  
[Jeff@EulbergLaw.com](mailto:Jeff@EulbergLaw.com)

Certified Mail No.  
7016 0910 0000 8401 5950



Barron B. Brown  
Assistant General Counsel

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Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

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Sent To Eulberg Law Office, PLLC  
 ATTN: Jeff Eulberg  
 925 N.W. 6th St.  
 Street and Apt. No., or PO Box Oklahoma City, OK 73106  
 City, State, ZIP+4® rlg/16-1053-DIS(BBB)/Am Cond Adm Ord

PS Form 3800, April 2015 PSN 7530-02-000-9053

7016 0910 0000 8401 5950

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee  <i>D. Wild</i></p>	
<p>1. Article Addressed to:</p> <p>Eulberg Law Office, PLLC                  ATTN: Jeff Eulberg                  925 N.W. 6th St.                  Oklahoma City, OK 73106                  rlg/16-1053-DIS(BBB)/Am Cond Adm Ord</p>		<p>B. Received by (Printed Name) <i>D. Wild</i></p> <p>C. Date of Delivery <i>1/3/17</i></p>	
<p>2. Article Number (Transfer from service label)                  7016 0910 0000 8401 5950</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No</p> <p>For delivery address below:</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>9590 9402 1736 6074 9245 80</p>		<p>RECEIVED OKLAHOMA INSURANCE DEPARTMENT                  JAN 05 2017                  Legal Division</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	