

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

FILED
DEC 28 2016
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,)
Petitioner,)
vs.)
BRYCE WADE CULBERT, a licensed bail bondsman in the State of Oklahoma,)
Respondent.)

Case No. 16-1099-DIS

**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 AND AUTHORITY

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 et seq., including the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1341.

2. Bryce Wade Culbert (“Respondent”) is a licensed surety bail bondsman in the State of Oklahoma holding license number 40110512. Respondent, during the period of time referenced in the Allegations of Facts section below, had a surety appointment with American Contractors Indemnity Company (“ACIC”).

3. 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, by appropriate order of the Insurance Commissioner, 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.

4. Pursuant to O.A.C. 365:1-7-1(a), Respondent may submit a written request for hearing in this matter. Upon receiving such a request, the Insurance Commissioner will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing as requested by Respondent. 36 O.S. § 619.

ALLEGATIONS OF FACT

1. Pursuant to 59 O.S. § 1314(A) and O.A.C. 365:25-5-39, when a licensed bail bondsman accepts collateral, a description of said collateral must be listed on the Affidavit as to Undertaking in the appearance bond, including the nature and description of the collateral and the name of the person it was received from.

2. On or about July 22, 2016, Respondent executed a \$4,500.00 appearance bond (“the bond”) for defendant Kayla Nicole Dickson (“Dickson”) in the District Court in and for Oklahoma County, Oklahoma (Case No. CF-2015-613). Respondent received \$4,500.00 in cash collateral and \$482.82.00 in premium from Dickson to post the bond. The referenced collateral was not reported in the Affidavit as to Undertaking on the bond.

3. Pursuant to 59 O.S. § 1314(B)(1), a licensed bail bondsman must electronically submit monthly reports for each line of authority held “showing every bond written, amount of bond, whether released or revoked during each month, showing the court and county, and the style and number of the case, premiums charged and *collateral received*. (emphasis added)”

4. Respondent failed to report the \$4,500.00 collateral received from Dickson for the bond on his July 2015 monthly report to the Oklahoma Insurance Department (“OID”).

5. Additionally, Respondent failed to provide the last-known mailing address of the surety insurer, ACIC, on the bond as required by 59 O.S. § 1316(E).

6. Pursuant to 59 O.S. § 1310(A)(23), a licensed bail bondsman must “notify the

Commissioner of a change of legal name, residence address, business address, mailing address, e-mail address, or telephone number within five (5) days after a change is made.”

6. OID records reflect that Respondent notified the OID of a change to his business address on or about February 5, 2016. The February 5, 2016 reported business address did not reflect the actual location of Respondent’s place of business. Respondent failed to correct the erroneous business address on-file with the OID until November 21, 2016.

ALLEGED VIOLATIONS OF LAW

1. Respondent has violated 59 O.S. § 1310(A)(2); by violating any laws of this state or any lawful rule, regulation, or order of the Commissioner relating to bail.

2. Respondent has violated 59 O.S. § 1310(A)(24); by failing to properly list collateral received in the Affidavit as to Undertaking on the bond as required by 59 O.S. § 1314(A) and O.A.C. 365:25-5-39.

3. Respondent has violated 59 O.S. § 1310(A)(24); by failing to report collateral received on his monthly report as required by 59 O.S. § 1314(B)(1).

4. Respondent has violated 59 O.S. § 1316(E); by failing to provide the last-known mailing address of the insurer on the bond.

5. Respondent has violated 59 O.S. § 1310(A)(23); by failing to notify the Commissioner of a change in his business address within five (5) days after the change was made.

ORDER

IT IS THEREFORE ORDERED that Respondent is CENSURED and FINED Five Hundred Dollars (\$500.00). The fine is to be paid within thirty (30) days made payable to the Oklahoma Insurance Department. Payment may be made by either cashier’s check or money order. If the fine is not paid within thirty (30) days, Respondent’s license shall be immediately

suspended and shall remain suspended until the fine is paid in full.

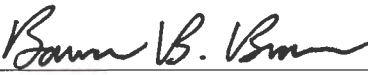
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties 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 56th 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 the 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 28th day of December, 2016.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



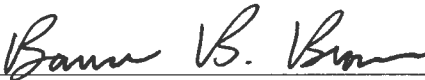
Barron B. Brown
Assistant General Counsel
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
(405) 521-2746

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, on this 28th day of December, 2016, to:

Bryce Wade Culbert
217 N. Harvey Ave. Ste. 506
Oklahoma City, OK 73102-3802

CERTIFIED MAIL NO. 7016 0910 0000 8401 5912



Barron B. Brown
Assistant General Counsel

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Sent To
 Bryce Wade Culbert
 217 N. Harvey Ave., Suite 506
 Oklahoma City, OK 73102-3802
 rlg/16-1099-DIS(BBB)/Cond Adm Ord

PS Form 3800, April 2015 PSN

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:

Bryce Wade Culbert
 217 N. Harvey Ave., Suite 506
 Oklahoma City, OK 73102-3802
 rlg/16-1099-DIS(BBB)/Cond Adm Ord



2. Article Number (Transfer from service label)

7016 0910 0000 8401 5912

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Bryce Wade Culbert* Agent Addressee

B. Received by (Printed Name) *Bryce Wade Culbert* C. Date of Delivery *12/29/16*

Delivery address different from item 1? Yes No

RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT
 JAN 04 2017
 Legal Division

- 3. Service Type**
- Priority Mail Express®
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- Certified Mail Restricted Delivery Signature Confirmation™
- Collect on Delivery Signature Confirmation Restricted Delivery
- Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery
- Insured Mail Signature Confirmation Restricted Delivery
- Insured Mail Restricted Delivery (over \$500)

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

Domestic Return Receipt