

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

**STATE OF OKLAHOMA, ex rel. JOHN D.  
DOAK, Insurance Commissioner,** )  
)  
)  
**Petitioner,** )  
)  
**vs.** )  
)  
**KIMBERLY JOHNSTON a licensed bail  
bondsman in the State of Oklahoma,  
license # 100155624,** )  
)  
**Respondent.** )

**FILED**

DEC 29 2016

INSURANCE COMMISSIONER  
OKLAHOMA

**CASE NO. 16-1103-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, Sara A. Worten, 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., as well as the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1341.

2. Kimberly Johnston (“Respondent”) is a licensed surety bondsman in the State of Oklahoma holding license number 100155624 with a surety appointment from Roche Surety & Casualty Company (“RSCC”).

3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 59 O.S. § 1310.

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.

5. If Respondent requests a hearing in writing in this matter, pursuant to OAC 365:1-7-1, the Insurance Commissioner, pursuant to 59 § 1311.1(B), will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

6. The Insurance Commissioner, pursuant to OAC 365:1-7-5, upon written request reasonably made by a person affected by the hearing and at such person's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.

### **ALLEGATIONS OF FACTS**

7. Pursuant to 59 O.S. § 1314(B) and OAC 365:25-5-36(a), a licensed surety bondsman shall electronically submit monthly reports for each line of authority by the fifteenth day of each month.

8. Respondent failed to timely submit her May 2016 RSCC report which was due no later than June 15, 2016. Respondent's May 2016 RSCC report was filed on June 16, 2016, which was one (1) day past the due date required by OAC 365:25-5-36(a).

9. Respondent failed to timely submit her July 2016 RSCC report which was due no later than August 15, 2016. Respondent's July 2016 RSCC report was filed on August 19, 2016, which was four (4) days past the due date required by OAC 365:25-5-36(a).

10. Respondent failed to timely submit her October 2016 RSCC report which was due no later than November 15, 2016. Respondent's October 2016 RSCC report was filed on November 29, 2016, which was fourteen (14) days past the due date required by OAC 365:25-5-36(a).

**ALLEGED CONCLUSIONS OF LAW**

11. Respondent has violated 59 O.S. § 1310(A)(24) on three (3) occasions by failing to timely file monthly reports for the months of May, July, and October of 2016, as required by 59 O.S. § 1314.

**ORDER**

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner, subject to the following paragraph, that Respondent violated the provisions of 59 O.S. §§ 1310(A)(24) and 1314 and is hereby **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 and sent to the Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112. If the fines are not paid within thirty (30) days, Respondent's license will be 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 Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days 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 mailing of this Order. Such request for hearing, if desired, shall be in writing, addressed to Sara A. Worten, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112, and shall state the basis for requesting the hearing. The request shall be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on such requested hearing will be conducted in accordance

with the Oklahoma Bail Bond Code, 59 O.S. §§ 1301 through 1341 *et seq.*, Oklahoma Insurance Code, 36 O.S. §§ 101 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 through 403. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as a 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 29<sup>th</sup> day of December, 2016.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

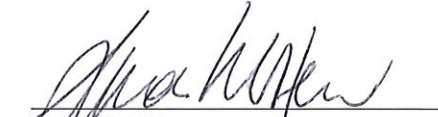
Sara A. Worten OBA# 21532  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73112  
(405) 521-2746

**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 by certified mail, with postage prepaid and return receipt requested on this 29<sup>th</sup> day of December, 2016, to:

**CERTIFIED MAIL NO.** 7016 0910 0000 5833 6674

Kimberly Johnston  
9521 Perfect Dr.  
Stillwater, OK 74074-1199

  
Sara A. Worten  
Assistant General Counsel

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