

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

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
))
Petitioner,)
vs.)
))
DENNIS CARSTENSEN, a licensed)
bail bondsman in the State of Oklahoma)
))
JOE ROBERT NELSON, a professional)
bail bondsman licensed in the state of)
Oklahoma,)
))
Respondent.)
)

FILED

JUL 31 2017

INSURANCE COMMISSIONER
OKLAHOMA

CASE NO. 17-0376-DIS

**CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD
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. Respondent Dennis Carstensen ("Carstensen") is a licensed bail bondsman in the State of Oklahoma holding license number 100221587.

3. Respondent, Joe Robert Nelson ("Nelson") is a professional bail bondsman in the state of Oklahoma holding license number 199225.

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

5. 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.

6. If either Carstensen or Nelson requests a hearing in writing in this matter, pursuant to *OAC 365:1-7-1*, the Insurance Commissioner, pursuant to *59 O.S. § 1311.1* will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Carstensen and/or Nelson.

7. 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 FACT

8. On or about October 12, 2016, an appearance bond was executed as follows:

Defendant:	Jane Jessica Buscay
Case Number(s):	CM-2016-043
City/County:	Comanche County
Surety:	Joe Nelson
Bondsman:	Dennis Carstensen
Power Number(s):	11828
Bond Amount(s):	\$1,000.00

9. On December 2, 2016, the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued and filed in the case on December 7, 2016, by the Comanche County District Court. A true and correct

copy of the Order and Judgment of Forfeiture was mailed to Carstensen and Nelson at their address of record on file with the Oklahoma Insurance Department with return receipt requested within thirty (30) days after the Order's filing.

10. Carstensen received a copy of the Order and Judgment of Forfeiture on December 9, 2016.

11. Nelson received a copy of the Order and Judgment of Forfeiture on December 9, 2016.

12. Carstensen filed a Motion to Stay Execution of Bond Forfeiture wherein he requested a sixty (60) day stay of the Order and Judgment of Forfeiture.

13. The Court granted the sixty (60) day stay on March 8, 2017.

14. The ninetieth (90th) day after receipt of the Order and Judgment of Forfeiture in addition to the sixty (60) day stay was May 8, 2017. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture in addition to the sixty (60) day stay was May 9, 2017.

15. As of the date of this filing, the forfeiture set forth herein has not been paid as directed by 59 O.S. § 1332 and OAC 365:25-5-40(b).

ALLEGED VIOLATIONS OF LAW

16. Respondents Carstensen and Nelson have violated 59 O.S. § 1310(A)(2) and (28) by violating the provisions of 59 O.S. § 1332 and by failing to return the defendant to custody by the ninetieth (90th) day or pay the amount of the forfeiture to the Comanche County Court Clerk by the ninety-first (91st) day from receipt of the Order and Judgment of Forfeiture.

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

ORDER

IT IS THEREFORE ORDERED that Carstensen and Nelson are each FINED Two Hundred and Fifty Dollars (\$250.00). The fines are to be paid within thirty (30) days of the date of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department.

IT IS FURTHER ORDERED that the face amount of the bond forfeiture shall be deposited with the Comanche County Court Clerk in Comanche County case number CM-2016-43. If the forfeiture is not paid within thirty (30) days of this Conditional Order, the Oklahoma Insurance Department is ordered to withdraw the face amount of the bond from Nelson's professional bail bondsman certificate of deposit and forward to the Comanche County Court Clerk for payment of the bond forfeiture.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless either Carstensen or Nelson requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of this Conditional Order, the penalties set forth above shall become a Final Order on the thirty-first (31st) day following the date of mailing this Order. A request for hearing should be in writing and addressed to Sandra LaVenué, 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 and 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 Insurance Code, 36 O.S. §§ 101 *et seq.*; the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250-324 and the Oklahoma Bail Bond Act, 59 O.S. §§ 1301-1341. If either Carstensen or Nelson 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 31st day of July, 2017



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

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

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 regular mail and by certified mail, with postage prepaid and return receipt requested, on this 31st day of July, 2017, to:

Dennis Carstensen
1901 W. Gore Blvd. STE A
Lawton, OK 73501-3630

CERTIFIED MAIL NO. 9214 8902 0982 7500 0006 26

Joe Robert Nelson
302 W. Choctaw
Chickasha, OK 73018-2635

CERTIFIED MAIL NO. 9214 8902 0982 7500 0006 33

and a copy was delivered to:

Lewis Garrison
Bail Bonds Division



Sandra LaVenue
Senior Counsel



Date: August 3, 2017

Sherry Standerfer:

The following is in response to your August 3, 2017 request for delivery information on your Certified Mail™/RRE item number 9214890209827500000626. The delivery record shows that this item was delivered on August 2, 2017 at 10:45 am in LAWTON, OK 73501. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	X	<i>Marcy Carstense</i>
Printed Name		<i>Marcy Carstense</i>

Address of Recipient :

Delivery Address	<i>1901 W Gore Blvd. Lawton OK</i>
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Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

Date: August 3, 2017

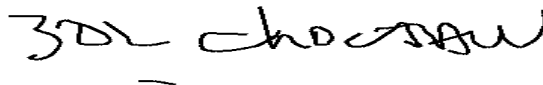
Sherry Standerfer:

The following is in response to your August 3, 2017 request for delivery information on your Certified Mail™/RRE item number 9214890209827500000633. The delivery record shows that this item was delivered on August 2, 2017 at 10:56 am in CHICKASHA, OK 73018. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service