

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

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

**FILED**

AUG 03 2017

INSURANCE COMMISSIONER  
OKLAHOMA

Case No. 17-0402-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, Sandra LaVenue, 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. §§ 101-7401, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1341.

2. Respondent April Echols ("Respondent") is a licensed bail bondsman in the State of Oklahoma holding license number 100218408.

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

4. If Respondent 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(B), will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

5. 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**

6. 59 O.S. § 1314 requires each bail bondsman to submit to the Insurance Commissioner a monthly report of the bondsman along with a renewal fee.

7. Respondent electronically submitted her March 2017 Report on April 17, 2017, along with her renewal fee made by an Electronic Funds Transfer ("EFT") in the amount of \$294.16 to the Oklahoma Insurance Department ("OID").

8. On April 28, 2017, the Oklahoma State Treasurer notified OID there were insufficient funds in the Respondent's account and the amount was charged back to OID by Charge Back number 111102.

9. On May 1, 2017, OID sent a communication to Respondent via electronic mail notifying her that the above referenced EFT was returned as a charge back and not processed because of insufficient funds.

10. Respondent was directed to submit a money order or cashier's check for the amount of the EFT plus a twenty-five dollar (\$25.00) service fee within seven (7) days from receipt of the email.

11. On May 18, 2017, a second notice was sent to Respondent as well as to Gene Points, her managing general agent, requesting the funds be replaced along with the service fee.

12. As of the date of this filing, the funds have not been replaced.

13. Respondent has on at least two (2) prior occasions (*see 16-0266-DIS and 16-0491-DIS*) submitted funds by EFT that were returned for insufficient funds.

#### **ALLEGED CONCLUSIONS OF LAW**

14. Respondent has violated 59 O.S. § 1310(A)(29) by uttering an insufficient or uncollected check or electronic funds transfer to the Insurance Commissioner.

#### **ORDER**

**IT IS THEREFORE ORDERED** that April Echols is **CENSURED** and **FINED** Five Hundred Dollars (\$500.00). The fine is 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 April Echols shall replace the insufficient EFT in the amount of \$294.16. The replacement of the EFT in the amount of \$294.16 is also 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, 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 the date of this Conditional Order, the penalties set forth above shall become a Final Order on the thirty-first (31<sup>st</sup>) day following the date of mailing this Order. A request for hearing should be in writing and addressed to Sandra LaVenue, 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 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 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 3<sup>rd</sup> day of August, 2017.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
Sandra LaVenue, OBA # 13372

Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 522-6330  
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 certified, return receipt requested and by electronic mail on this 3rd day of August, 2017, to:

April Echols  
431 W. Broadway St.  
Muskogee, OK 74401-6614

**Certified Mail No.**

9214 8902 0982 7500 0008 24



Sandra G. LaVenue

Date: August 7, 2017

Sherry Standerfer:

The following is in response to your August 7, 2017 request for delivery information on your Certified Mail™/RRE item number 9214890209827500000824. The delivery record shows that this item was delivered on August 7, 2017 at 12:58 pm in MUSKOGEE, OK 74401. There is no delivery signature on file for this item.

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