

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

FILED  
JUL 20 2017  
INSURANCE COMMISSIONER  
OKLAHOMA

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

CASE NO. 17-0497-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, 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. §§ 101-7401*, and the Oklahoma Bail Bond Act, *59 O. S. §§ 1301-1340*.
2. Respondent Earl Eugene Points (“Respondent” or “Points”) is a licensed bail bondsman in the State of Oklahoma holding license number 0000200112. Respondent’s address of record is 313 State Street Muskogee, Oklahoma 74401.
3. Pursuant to *59 O.S. § 1310(B)*, any person violating any provision of *§§ 1301-1340* is 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.

**ALLEGATIONS OF FACT**

1. *59 O.S. § 1314(D)* requires each bail bondsman to submit to the Insurance Commissioner a monthly report of the bondsman. If new liability is written that month, the bail bondsman is

required to submit a reviewal fee to the Insurance Commissioner. The amount of the reviewal fee is equal to two-tenths of one percent (2/10 of 1%) of the new liability written for that month. The Insurance Commissioner then transfers the funds to the Office of the State Treasurer. 59 O.S. § 1314(D).

2. In June 2017, Respondent submitted his May 2017 monthly report showing the new bonds written for the month.

3. Based on the May 2017 report, Respondent owed Four Hundred Twelve and Ninety-One/100 Dollars (\$412.91) in reviewal fees.

4. On June 27, 2017, the State Treasurer notified the Oklahoma Department of Insurance (“OID”) that Respondent owed Four Hundred Twelve and Ninety-One/100 Dollars (\$412.91) in reviewal fees and reported that he submitted an insufficient electronic funds transfer for payment of those reviewal fees on June 15, 2017.

5. As of the date of filing of this Conditional Order, Respondent has not paid the \$412.91 due in reviewal fees for his May 2017 liability.

#### **CONCLUSIONS OF LAW**

1. Respondent has violated 59 O.S. § 1310(A)(29) for uttering an insufficient electronic funds transfer for payments received by the Commissioner from the Respondent.

2. Pursuant to 59 O.S. § 1310(B), any person violating any provision of §§ 1301-1340 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.

#### **ORDER**

**IT IS THEREFORE ORDERED** that Earl Eugene Points is **FINED** Five Hundred and No/100 Dollars (\$500.00). The fine is to be paid within thirty (30) days of receipt of this order.

**Failure to pay the fine within the thirty (30) days allotted shall result in suspension of Respondent's license.**

Respondent is further notified that he may request a hearing within thirty (30) days of receipt of this Order, and upon such request, the Oklahoma Insurance Department shall conduct a hearing before an independent hearing examiner. A request for hearing shall be made in writing to Lisa M. Torneten, Assistant General Counsel, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> Suite 100, Oklahoma City, Oklahoma 73112, and shall specify the grounds to be relied upon as a basis for relief demanded at the hearing.

If Respondent does not request a hearing within the 30 days allotted, this Conditional Administrative Order shall become a FINAL ORDER on the 31<sup>st</sup> day following Respondent's receipt of the Order.

**WITNESS** My Hand and Official Seal this 20<sup>TH</sup> day of July, 2017.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Lisa M. Torneten".

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Lisa M. Torneten  
Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73112  
Tel. (405) 522-6330  
Fax (405) 522-0125

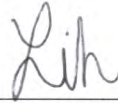
**CERTIFICATE OF MAILING**

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, on this 20<sup>TH</sup> day of July, 2017 to:

Earl Eugene Points  
313 State Street  
Muskogee, Oklahoma 74401-6350

**BARCODE NO: 9214 8902 0982 7500 0003 67**

Linda Churchill  
Bail Bonds Division



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Lisa M. Torneten



Date Produced: 07/31/2017

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0003 67. Our records indicate that this item was delivered on 07/24/2017 at 01:42 p.m. in MUSKOGEE, OK 74401. The scanned image of the recipient information is provided below.

Signature of Recipient :



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Sincerely,  
United States Postal Service

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