

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

FILED
JUL 27 2017
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner,)
vs.)
)
MICHAEL GARNER, a licensed bail bondsman)
in the State of Oklahoma,)
)
AND)
)
JOE NELSON,)
A licensed multicounty agent bondsman in the)
State of Oklahoma,)
)
Respondents.)

CASE NO. 17-0540-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 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 Michael Garner ("Garner") is a licensed bail bondsman in the State of Oklahoma holding license number 100239594.
3. Respondent Joe Nelson ("Nelson") is a licensed multicounty agent bondsman in the State of Oklahoma holding license number 199225.
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.

ALLEGATIONS OF FACT

1. On or about April 4, 2016, an appearance bond was executed as follows:

Defendant:	David Allen Easley
Case Number(s):	CM-2015-1490
City/County:	Comanche County
Surety:	Joe Nelson
Bondsman:	Michael Garner
Power Number(s):	J5 11223
Bond Amount(s):	\$1,000.00

2. On January 4, 2017, the Defendant failed to appear in case number CM-2015-1490 and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued and filed in the case by the Comanche County Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondents on January 10, 2017 with return receipt requested.

3. Garner received a copy of the Order with the return filed on January 17, 2017.

4. Nelson received a copy of the Order with the return filed on January 12, 2017.

5. The ninety-first (91st) day after receipt of the Order was April 18, 2017.

6. On April 7, 2017, an Order to Stay Payment of Monies for ninety (90) days was issued by the Comanche County Court in case number CM-2015-1490. The forfeiture was ordered to be returned by July 6, 2017.

7. As of the date of the filing of this Conditional Administrative Order, the forfeiture has not been paid and the defendant has not been returned to custody.

ALLEGED VIOLATIONS OF LAW

1. Respondents Garner and Nelson have failed to comply with 59 O.S. § 1332(D)(1) by

failing to return the Defendant within ninety (90) days or remit payment in the face amount of the bond forfeiture within the additional ninety (90) days from the Order to Stay Payment of Monies in case number CM-2015-1490, which is a violation under 59 O.S. § 1310(A)(2).

2. 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 Two Hundred and Fifty Dollars (\$250.00) but not more than Two Thousand and Five Hundred Dollars (\$2,500.00) per violation.

ORDER

IT IS THEREFORE ORDERED that Garner and Nelson are each FINED Five Hundred and No/100 Dollars (\$500.00). The fines are 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 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

IT IS FURTHER ORDERED that Respondents Garner and Nelson are to pay the forfeiture in Comanche County case number CM-2015-1490, *State v. David Easley*. If the forfeiture is not paid within thirty (30) days, pursuant to 59 O.S. § 1332(D), the Oklahoma Insurance Department is ordered to withdraw the face amount of the bond, One Thousand and No/100 Dollars (\$1,000.00) from Nelson's multicounty bail bondsman certificate of deposit and forward it 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 the Respondents request 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 Lisa M. Torneten, 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 Insurance Code and 75 O.S. § 250-323. If the Respondents serve 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 27TH day of July, 2017



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Lisa M. Torneten
Assistant General Counsel
3625 NW 56th 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 by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 27TH day of July, 2017, to:

Michael Garner
1309 W. Gore Blvd.
Lawton, OK 73501

BARCODE NO:
9214 8902 0982 7500 0005 10

Joe Nelson
302 W. Choctaw Ave.
Chickasha, OK 73018

BARCODE NO:
9214 8902 0982 7500 0005 27

and a copy was delivered to:

Lewis Garrison
Bail Bonds Division



Lisa M. Torneten
Assistant General Counsel

Date: July 31, 2017

Maria Torres:

The following is in response to your July 28, 2017 request for delivery information on your Certified Mail™/RRE item number 9214890209827500000510. The delivery record shows that this item was delivered on July 31, 2017 at 4:23 pm in LAWTON, OK 73501. 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

Date: July 28, 2017

Maria Torres:

The following is in response to your July 28, 2017 request for delivery information on your Certified Mail™/RRE item number 9214890209827500000527. The delivery record shows that this item was delivered on July 28, 2017 at 11:19 am in CHICKASHA, OK 73018. 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