

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

**FILED**  
NOV 28 2017  
INSURANCE COMMISSIONER  
OKLAHOMA

<b>STATE OF OKLAHOMA, ex rel.</b>	)	
<b>JOHN D. DOAK, Insurance Commissioner,</b>	)	
	)	
<b>Petitioner,</b>	)	
<b>vs.</b>	)	
	)	<b>Case No. 17-0674-DIS</b>
<b>AMY LYNN POINTS, a licensed bail</b>	)	
<b>bondsman in the State of Oklahoma,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**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, Barron B. Brown, 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 et seq., and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1341.

2. Amy Lynn Points (“Respondent”) is a licensed surety bail bondsman in the State of Oklahoma holding license number 40091884. Respondent has active surety appointments with American Contractors Indemnity Company (“ACIC”) and American Surety Company (“ASC”). Respondent's mailing address of record is 313 State St., Muskogee, Oklahoma 74401-6350.

3. 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 of a violation.

### **ALLEGATIONS OF FACT**

1. Pursuant to 59 O.S. § 1314(D), "[each] bail bondsman shall submit each month with the monthly report of the bondsman, a reviewal fee equal to two-tenths of one percent (2/10 of 1%) of the new liability written for that month . . . [the] fee shall be payable to the Insurance Commissioner who shall deposit same with the [Oklahoma] State Treasurer."

2. On or about August 21, 2017, Respondent submitted to the Oklahoma Insurance Department ("OID") an Electronic Funds Transfer ("EFT") of Seven Dollars and Forty-Seven Cents (\$7.47) for her ACIC140091884-July2017-Oringinal-01.DBF monthly report reviewal fee.

3. On August 31, 2017, the Oklahoma State Treasurer charged Respondent's \$7.47 EFT back to the OID as "Insufficient Funds."

4. On September 5, 2017, the OID Bail Bond Division staff sent a letter via email to Respondent requesting that the insufficient funds EFT amount be paid to the OID within seven (7) days of receipt of the letter.

5. On October 9, 2017, the OID Legal Division sent a letter via certified mail and email to Respondent requesting that the insufficient funds EFT amount be remitted to the OID within ten (10) days from receipt of the letter. Respondent received the letter on October 12, 2017, as evidenced by the United States Postal Service certified mailing receipt. Accordingly, payment was due on or before October 23, 2017 – October 22, 2017, the technical tenth (10<sup>th</sup>) day after receipt of the OID Legal Division letter, was not a normal business day of the OID.

6. On or about November 16, 2017, the OID received late payment of the \$7.47

insufficient funds EFT from Respondent – twenty-four (24) days after payment was due to the OID as per the OID Legal Division letter.

**ALLEGED VIOLATIONS OF LAW**

1. Respondent has violated 59 O.S. § 1310(A)(29) for uttering an insufficient electronic funds transfer to the Insurance Commissioner for any fees, fines or other payments received by the Commissioner from the bail bondsman.

**ORDER**

**IT IS THEREFORE ORDERED** that Respondent is **CENSURED** and **FINED** Two Hundred Fifty Dollars (\$250.00). **The fine amount is to be paid within thirty (30) days from receipt of this Order and made payable to the Oklahoma Insurance Department. Payment may be made by either cashier's check or money order. Failure to comply with a proper order of the Insurance Commissioner may result in further administrative action.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests 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 Barron B. Brown, 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.

Any such hearing shall be conducted according to the procedures for contested cases

under Oklahoma Insurance Code (36 O.S. §§ 101 et seq.), the Oklahoma Bail Bond Act (specifically- 59 O.S. §§ 1311-1311.1) and the Oklahoma Administrative Procedures Act (75 O.S. §§ 308a et seq.). If the Respondent serves 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 28<sup>th</sup> day of November, 2017.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in black ink that reads "Barron B. Brown".

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Barron B. Brown  
Assistant General Counsel  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
(405) 521-2746

**CERTIFICATE OF MAILING**

I, Barron B. Brown, 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 28<sup>th</sup> day of November, 2017, to:

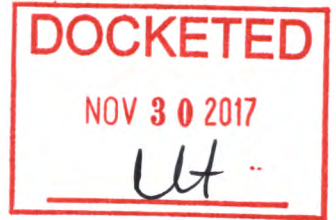
Amy Lynn Points  
313 State St.  
Muskogee, OK 74401-6350

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0031 15



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Barron B. Brown  
Assistant General Counsel



Date Produced: 12/04/2017

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0031 15. Our records indicate that this item was delivered on 11/30/2017 at 01:09 p.m. in MUSKOGEE, OK 74401. The scanned image of the recipient information is provided below.

Signature of Recipient :

Morgan Penchouse

Address of Recipient :

313 State

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

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= 364 = Sat Dec 30 since  
Weekend fine or Last Day  
To Request Hearing is =  
Tuesday Jan 2nd, 2018.

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