

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

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

**FILED**  
NOV 28 2017  
INSURANCE COMMISSIONER  
OKLAHOMA

CASE NO. 17-0746-DIS

**CONDITIONAL ORDER AND  
NOTICE OF HEARING AND ORDER TO SHOW CAUSE**

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through counsel, Sara A. Worten, 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. §§ 1301-1341*.

2. Respondent Amy Points (“Respondent”) is a licensed bail bondsman in the State of Oklahoma holding license number 40091884 with a surety appointment from Indiana Lumbermens Mutual Insurance Company (“ILMIC”), American Contractors Indemnity Company (“ACIC”) and American Surety Company (“ASC”). Respondent’s mailing address of record with the Oklahoma Insurance Department is 313 State Street, Muskogee, Oklahoma 74401-6350.

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

## ALLEGATIONS OF FACT

4. Pursuant to *59 O.S. § 1314(B)* and *OAC 365:25-5-36(a)*, every licensed bondsman shall electronically submit monthly reports for each line of authority by the fifteenth day of each month. The fee to upload the report to the electronic system is three dollars (\$3.00) (the “Submittal Fee”).

5. In September 2017, Respondent submitted her August 2017 ILMIC, ASC and ACIC reports.

6. On September 27, 2017, the State Treasurer notified the Oklahoma Insurance Department (the “Department”) that Respondent submitted insufficient funds for payment of the Submittal Fees for the ILMIC, ASC, and ACIC reports.

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

8. Pursuant to *59 O.S. § 1310(A)*, the Insurance Commissioner may deny, censure, suspend, revoke, or refuse to renew any license issued under Sections 1301 through 1341 for any of the following causes:

2. Violation of any laws of this state or any lawful rule, regulation, or order of the Commissioner relating to bail;
29. For uttering an insufficient or uncollected check or electronic funds transfer to the Insurance Commissioner for any fees, fines or other payments received by the Commissioner from the bail bondsman.

9. Pursuant to *59 O.S. § 1310(B)*, in addition to any denial, censure, suspension, or revocation of a license, any bondsman violating a provision of the Bail Bond Act, *59 O.S. §§ 1301-1341*, may be subject to a civil penalty of not less than \$250.00 but not more than \$2,500.00 per violation.

## CONCLUSIONS OF LAW

10. Respondent violated *59 O.S. § 1310(A)(2) and (29)*, by submitting insufficient electronic funds transfers to the Department associated with the monthly reports.

### ORDER

**IT IS THEREFORE ORDERED** that Respondent Amy Points is **FINED** two hundred fifty dollars (\$250.00). This fine must be paid immediately. Failure to pay this fine will result in her suspension from writing appearance bonds.

**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 Sara A. Worten, 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 the Insurance Code and *75 O.S. § 250-323*. 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 20<sup>th</sup> day of November, 2017.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Sara A. Worten", written over a horizontal line.

Sara A. Worten  
Assistant General Counsel  
Oklahoma Insurance Department  
3625 N.W. 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73112  
Tel. (405) 521-2746

**CERTIFICATE OF SERVICE**

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 28<sup>th</sup> day of November 2017 to:

Amy Points  
313 State Street  
Muskogee, OK 74401-6350

CERTIFIED MAIL NO:  
9214 8902 0982 7500 0031 39



Sara A. Worten  
Assistant General Counsel



**DOCKETED**  
NOV 30 2017  
*dt*

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 39. 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.

**SCANNED**  
NOV 30 2017  
*dt*

*\*Delivered 11/30/17 = 334 + 30 = 364 = Sat Dec 30<sup>th</sup> Since falls on weekend, Fine due or LAST DAY TO Request hearing is Tuesday Jan 2nd, 2018.*

Customer Reference Number: C610618.3781107