

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

**'FILED**

**JAN 05 2018**

**INSURANCE COMMISSIONER  
OKLAHOMA**

STATE OF OKLAHOMA, ex rel. JOHN D. )  
DOAK, Insurance Commissioner, )  
 )  
Petitioner, )  
vs. )  
 )  
**MISTY DAWN FAUST**, a licensed bail )  
bondsman in the State of Oklahoma, )  
 )  
AND )  
 )  
**DUSTIN CLINT PLETCHER**, a professional )  
bail bondsman licensed in the state of )  
Oklahoma, )  
 )  
Respondents. )

CASE NO. 17-0908-DIS

**CONDITIONAL ADMINISTRATIVE ORDER**  
**AND NOTICE OF RIGHT TO BE HEARD**  
**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 Misty Dawn Faust ("Faust") is a licensed bail bondsman in the State of Oklahoma holding license number 100144426.

3. Respondent, Dustin Clint Pletcher ("Pletcher") is a professional bail bondsman in the state of Oklahoma holding license number 40070339.

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

5. 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.

6. If either 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 will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

7. 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**

8. On or about January 4, 2017, an appearance bond was executed as follows:

Defendant:	Donald Lee Manwarren
Case Number(s):	CF-2016-212
City/County:	Nowata County Court
Surety:	Dustin Clint Pletcher
Bondsman:	Misty Dawn Faust
Power Number(s):	09183
Bond Amount(s):	\$5,000.00

9. On January 30, 2017, the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued and filed in the

case on February 10, 2017, by the Nowata County Court Clerk. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Faust and Pletcher at their addresses of record on file with the Oklahoma Insurance Department with return receipt requested within thirty (30) days after the Order's filing.

10 Faust received a copy of the Order and Judgment of Forfeiture on February 17, 2017.

11. Pletcher received a copy of the Order and Judgment of Forfeiture on March 1, 2017.

12. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of forfeiture was May 19, 2017

13. On May 16, 2017, the Nowata County District Court issued an Order staying the execution of the Forfeiture until August 18, 2017.

14. As of the date of this filing, the forfeiture has not been paid and the defendant has not been returned to custody.

#### **ALLEGED VIOLATIONS OF LAW**

15. Respondents Faust and Pletcher have violated 59 O.S. § 1310(A)(2) and (28) by violating the provisions of 59 O.S. § 1332 and by failing to pay fees due to a district court clerk as required by the Oklahoma Bail Bond Act, 59 O.S. § 1301-1341.

16. 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 \$250.00 but not more than \$2,500.00 per violation.

#### **ORDER**

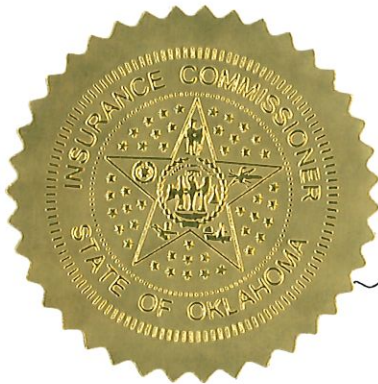
**IT IS THEREFORE ORDERED** that Faust and Pletcher are each **FINED Five Hundred Dollars (\$500.00)**. The fines are to be paid within thirty (30) days of the date of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department. If the fines are not paid or a hearing requested within thirty (30) days, OID may initiate further administrative action.

**IT IS FURTHER ORDERED** that the face amount of the bond forfeiture shall be deposited with the Nowata County Court Clerk in Nowata County Case number CF-2016-212. If the forfeiture is not paid within thirty (30) days of this Conditional Order, the Oklahoma Insurance Department is ordered to withdraw the face amount of the bonds from Pletcher's professional bail bondsman certificate of deposit and forward to the Nowata 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 either Faust or Pletcher 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 LaVene, 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 either Faust or Pletcher 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 5<sup>th</sup> day of January, 2018.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

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

Sandra LaVenue  
Senior Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 521-2746  
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 5<sup>th</sup> day of January, 2018, to:

Misty Dawn Faust  
P.O. Box 137  
Vinita, OK 74301-0137

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0044 64

Dustin Clint Pletcher  
12844 Acme Rd.  
Shawnee, OK 74804

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0044 71

and a copy was delivered to:

Lewis Garrison  
Bail Bonds Division

  
\_\_\_\_\_  
Sandra LaVene  
Senior Counsel

Date Produced: 01/15/2018

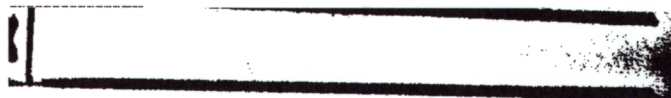
OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0044 64. Our records indicate that this item was delivered on 01/08/2018 at 09:08 a.m. in VINITA, OK 74301. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



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Sincerely,  
United States Postal Service

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