

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
APR 06 2018
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,)
)

Petitioner,)

vs.)

Case Nos. 18-0221-DIS
18-0222-DIS

MICHELLE LEIGH HOLLY, formerly a licensed bail bondsman in the State of Oklahoma,)
)

and)

KENNETH BYRON SELF, a multicounty agent bail bondsman licensed in the State of Oklahoma,)
)

Respondents.)

AMENDED 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. §§ 101-7301, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1341.

2. Respondent Michelle Leigh Holly (“Holly”) was formerly a licensed bail bondsman in the State of Oklahoma holding license number 100264339. Holly's bail bondsman license expired on January 31, 2018.

3. Respondent Kenneth Byron Self (“Self”) is a licensed multicounty agent bail

bondsman in the State of Oklahoma holding license number 199842.

4. Pursuant to 59 O.S. § 1310(E), "[for] one (1) year after notification by the Commissioner of an alleged violation, or for two (2) years after the last day the person was licensed, whoever is the lesser period of time, the Commissioner shall retain jurisdiction as to any person who cancels his bail bondsman's license or allows the license to lapse, or otherwise ceases to be licensed, if the person while licensed as a bondsman allegedly violated any provision of the [Oklahoma Bail Bond Act]."

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 of a violation.

ALLEGATIONS OF FACT

1. On or about April 14, 2017, an appearance bond (the "Latasha Ables bond") was executed as follows:

Defendant:	Latasha Keyana Ables
Case Number(s):	CM-2017-39
City/County:	LeFlore County District Court
Surety:	Kenneth Byron Self
Bondsman:	Michelle Leigh Holly
Power Number(s):	2864
Bond Amount(s):	\$1,000.00

2. On August 21, 2017, the Defendant failed to appear and the Latasha Ables bond was declared forfeited. On August 23, 2017, an Order and Judgment of Forfeiture was issued and filed in the case by the LeFlore County District Court. On August 23, 2017, a true and correct copy of the Order and Judgment of Forfeiture was mailed to each Respondent with return

receipt requested, which was within thirty (30) days of the forfeiture Order's filing.

3. The Order and Judgment of Forfeiture was sent to Holly's provided mailing address on record with the OID and returned "unclaimed", as evidenced electronically by the United States Postal Service Tracking website.

4. Self received a copy of the Order and Judgment of Forfeiture on September 5, 2017, as evidenced by the United States Postal Service certified mail receipt.

5. Pursuant to OAC 365:25-5-40(b)(2), the calculated ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was December 5, 2017.

6. The Latasha Ables bond forfeiture was untimely paid on February 27, 2018. Additionally, the defendant, Ms. Ables, was not timely returned to custody.

7. On or about June 2, 2017, an appearance bond (the "Christopher Ables bond") was executed as follows:

Defendant:	Christopher David Ables
Case Number(s):	CM-2017-96
City/County:	LeFlore County District Court
Surety:	Kenneth Byron Self
Bondsman:	Michelle Leigh Holly
Power Number(s):	3212
Bond Amount(s):	\$2,500.00

8. On August 4, 2017, the Defendant failed to appear and the Christopher Ables bond was declared forfeited. On August 7, 2017, an Order and Judgment of Forfeiture was issued and filed in the case by the LeFlore County District Court. On August 7, 2017, a true and correct copy of the Order and Judgment of Forfeiture was mailed to each Respondent with return receipt requested, which was within thirty (30) days of the forfeiture Order's filing.

9. Holly received a copy of the Order and Judgment of Forfeiture on August 17, 2017, as evidenced by the United States Postal Service certified mail receipt.

10. Self received a copy of the Order and Judgment of Forfeiture on August 23, 2017, as evidenced by the United States Postal Service certified mail receipt.

11. Pursuant to OAC 365:25-5-40(b)(2), the calculated ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was November 16, 2017.

12. OAC 365:25-5-44 provides the following: "[f]ollowing a forfeiture, if the defendant has been returned to custody as defined in 59 O.S. § 1332(C)(4), the bondsman shall file notice with the court clerk of the county where the forfeiture occurred by the ninety-first day after receipt of the order and judgement of forfeiture, certifying the defendant was returned to custody by the ninetieth day after receipt of the order and judgement of forfeiture. Failure to provide notice prior to the ninety-first day shall be a violation of 59 O.S. § 1310(A)(2)."

13. Holly failed to notify the court clerk of LeFlore County, prior to the calculated 91st day, that the defendant in LeFlore County Case No. CM-2017-96, Mr. Ables, was returned to custody in Latimer County, Oklahoma on or about October 27, 2017 as required by OAC 365:25-5-44.

14. On or about February 28, 2018, the Christopher Ables bond forfeiture was set aside and exonerated by an order of the LeFlore County District Court – One Hundred Three (103) days after the calculated 91st day following receipt of the Order and Judgment of Forfeiture.

ALLEGED VIOLATIONS OF LAW

1. Respondent Holly has violated 59 O.S. § 1310(A)(2) violation of any laws of this

state or any lawful rule, regulation, or order of the Commissioner relating to bail, through a violation of OAC 365:25-5-44, by failing to file notice with the court clerk of the county where the forfeiture occurred by the ninety-first day after receipt of the order and judgement of forfeiture, certifying the defendant was returned to custody by the ninetieth day after receipt of the order and judgement of forfeiture.

2. Respondents have violated 59 O.S. § 1310(A)(2) violation of any laws of this state or any lawful rule, regulation, or order of the Commissioner relating to bail, through a violation of 59 O.S. § 1332(D), by failing to timely return the Defendant within ninety (90) days or by failing to timely remit payment in the face amount of the bond forfeiture within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture.

ORDER

IT IS THEREFORE ORDERED that Respondents Holly and Self are each FINED Two Hundred Fifty Dollars (\$250.00). The fines are 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 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 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 6th day of April, 2018.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Barron B. Brown
Barron B. Brown
Assistant General Counsel
Oklahoma Insurance Department
3625 NW 56th 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 *Amended Conditional Administrative Order and Notice of Right to Be Heard* was mailed by certified mail, with postage prepaid and return receipt requested, on this 6th day of April, 2018, to:

Michelle Leigh Holly
12237 SE 100th Rd.
Red Oak, OK 74563-2559

CERTIFIED MAIL NO.

9214 8902 0982 7500 0072 36

Kenneth Byron Self
801 W. Lillie Blvd.
Madill, OK 73446

CERTIFIED MAIL NO.

214 8902 0982 7500 0072 43



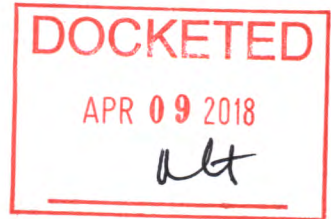
Barron B. Brown
Assistant General Counsel

18-022115
Holly

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FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +



Remove X

Tracking Number: 9214890209827500007236

On Time

Expected Delivery on

MONDAY

9 APRIL 2018 by **8:00pm**

Delivered on Monday 4/11/8 =
99 + 30 = 129 = Wednesday
May 9.

LAST Day to Day Fine
or Request hearing is
Wednesday May 9, 2018

✓ Delivered

April 9, 2018 at 11:13 am
Delivered, Left with Individual
RED OAK, OK 74563

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Return Receipt Email ▾

Tracking History ▾

Product Information ▾



18-0221-0's
Self

Date Produced: 04/23/2018

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0072 43. Our records indicate that this item was delivered on 04/16/2018 at 10:38 a.m. in MADILL, OK 73446. The scanned image of the recipient information is provided below.

Signature of Recipient :

Byron Self
B/RON SELF

Address of Recipient :

901 W. LILLIE BLVD

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

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Customer Reference Number: C767537.4597459