

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

FILED
JUL 20 2018
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,)
)
)
Petitioner,)
)
vs.)
)
KYLE DAVID CARTER, a licensed bail bondsman in the State of Oklahoma,)
)
and)
)
BANKERS INSURANCE COMPANY, an insurance company licensed to act as a bail surety in the State of Oklahoma,)
)
Respondents.)

Case No. 18-0491-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, Barron B. Brown, 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. §§ 101-7301, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1341.
2. Respondent Kyle David Carter (“Carter”) is a licensed bail bondsman in the State of Oklahoma holding license number 100179746.
3. Respondent Bankers Insurance Company (“BIC”) is an insurance company licensed to act as bail surety in the State of Oklahoma (NAIC CoCode 33162).
4. Pursuant to 36 O.S. § 619(A)(1) and (B), any insurance company violating any

provision of any statute for which the Commissioner has jurisdiction may be subject to a civil penalty of not more than Five Thousand Dollars (\$5,000.00) for each occurrence.

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 October 14, 2017, an appearance bond was executed as follows:

Defendant:	Jose Lawrence Perales
Case Number(s):	CF-2013-8735
City/County:	Oklahoma County District Court
Surety:	Bankers Insurance Company
Bondsman:	Kyle David Carter
Power Number(s):	562146301-7
Bond Amount(s):	\$2,000.00

2. On February 20, 2018, the Defendant failed to appear and the bond was declared forfeited. On March 2, 2018, an Order and Judgment of Forfeiture was filed in the case by the Oklahoma County District Court. On March 2, 2018, a true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondents with return receipt requested, which was within thirty (30) days after the forfeiture Order's filing.

3. Carter received a copy of the Order and Judgment of Forfeiture on March 16, 2018, as evidenced by the United States Postal Service certified mail receipt.

4. BIC received a copy of the Order and Judgment of Forfeiture on March 6, 2018, as evidenced by the United States Postal Service certified mail receipt.

5. Pursuant to OAC 365:25-5-40, the calculated ninety-first (91st) day after receipt

of the Order and Judgment of Forfeiture was June 15, 2018.

6. BIC untimely paid the forfeiture by check dated July 19, 2018. Additionally the Defendant was not timely returned to custody.

ALLEGED VIOLATIONS OF LAW

1. 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.

2. Respondent BIC has violated 36 O.S. § 619(A)(2) and 59 O.S. § 1310(A)(2) by failing to comply with OAC 365:25-5-41(b)(2), which requires an insurer to either pay all bail bond forfeitures within ninety-one (91) days or have all bail bond forfeitures vacated by the court within ninety-one (91) days after receipt of the Order and Judgment of Forfeiture pursuant to OAC 365:25-5-40.

ORDER

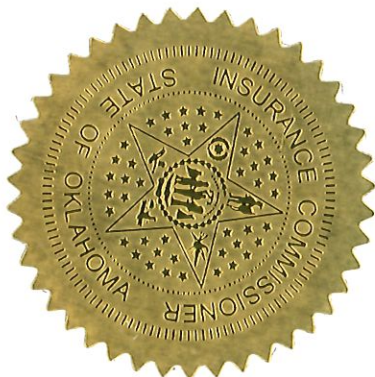
IT IS THEREFORE ORDERED that Respondents Carter and BIC are each FINED Seven Hundred Fifty Dollars (\$750.00). The fines are to be paid within thirty (30) days made payable to the Oklahoma Insurance Department. Payment may be made by either cashier's check or money order. Failure to comply with a proper 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 Respondent Carter and/or


Respondent BIC 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), O.A.C. 365:1-7-1 et seq. and the Oklahoma Administrative Procedures Act (75 O.S. §§ 308a et seq.). If Respondent Carter and/or Respondent BIC 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 20th day of July, 2018.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


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 *Conditional Administrative Order and Notice of Right to Be Heard* was mailed by certified mail, with postage prepaid and return receipt requested, on this 20th day of July, 2018, to:

Kyle David Carter
C & K Bail Bonds
2519 SW 59th St.
Oklahoma City, OK 73119-6613


CERTIFIED MAIL NO.

9214 8902 0982 7500 0107 79

Bankers Insurance Company
11101 Roosevelt Blvd. N.
Saint Petersburg, FL 33716-2340

CERTIFIED MAIL NO.

9214 8902 0982 7500 0107 86


Barron B. Brown
Assistant General Counsel



18-0491-015
OPW
(Carter)

Date Produced: 08/06/2018

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0107 79. Our records indicate that this item was delivered on 07/30/2018 at 12:00 p.m. in OKLAHOMA CITY, OK 73195. The scanned image of the recipient information is provided below.

Signature of Recipient :

Lisa
Lina Cross

Address of Recipient :

2519 SW 59th
St

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.

Customer Reference Number: C911955.5323716



September 7, 2018

Dear Maria Torres:

The following is in response to your request for proof of delivery on your item with the tracking number:

9214 8902 0982 7500 0107 86.

Item Details

Status:	We regret to inform you that we were unable to locate any delivery information in our records for your item.
Status Date / Time:	N/A
Location:	N/A
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	BANKERS INSURANCE COMPANY

Shipment Details

Weight:	2.0oz
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Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004