

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
OCT 31 2018
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner,)
)
v.)
)
AUDRY ANN CONLEY, a licensed bail)
bondsman in the State of Oklahoma,)
)
Respondent.)

Case Nos. 18-0562-DIS
18-0592-DIS

FINAL ADMINISTRATIVE ORDER

This matter is a disciplinary proceeding under the Oklahoma Bail Bond Act, 59 O.S. §§ 1301-1341, and conducted pursuant to the Oklahoma Bail Bond Act and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 308a et seq. The Oklahoma Insurance Department ("OID") issued a consolidated *Notice of Hearing and Order to Show Cause* (Case Nos. 18-0562-DIS; 18-0592-DIS) on September 14, 2018, which alleged that Audry Ann Conley ("Respondent") violated several provisions of the Oklahoma Bail Bond Act.

Respondent did not respond to the *Notice of Hearing and Order to Show Cause*, which was mailed via certified mail to Respondent at her mailing address on file with the OID. Further, Respondent was personally served with the *Notice of Hearing and Order to Show Cause* by an OID Anti-Fraud Unit Investigator on September 27, 2018 at the aforementioned mailing address. The administrative hearing was held on October 17, 2018. Oklahoma Insurance Commissioner John D. Doak appointed the undersigned Independent Hearing Examiner, Charles F. Alden III, to

preside at the hearing in the capacity of a quasi-judicial officer pursuant to 59 O.S. § 1311.1(B). Petitioner appeared by counsel Barron B. Brown. Respondent failed to appear. Witnesses were sworn and testified, exhibits were presented, and arguments heard. Therefore, after consideration of the testimony and evidence presented, this Independent Hearing Examiner issues his Order of findings of fact and conclusions of law.

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 et seq., including the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1341.

2. Respondent is a licensed surety bail bondsman in the State of Oklahoma holding license number 100180807. Respondent's mailing address of record is 2001 Brighton Ave., The Village, Oklahoma 73120-1114. Respondent does not currently have any active surety appointments. Respondent previously had surety appointments with United States Fire Insurance Company ("USFIC"), which was cancelled on July 25, 2014, and with American Contractors Indemnity Company ("ACIC"), which was cancelled on July 20, 2018.

3. Pursuant to 59 O.S. § 1310(A), the Insurance Commissioner may deny, censure, suspend, revoke or refuse to renew any license issued under the Oklahoma Bail Bond Act for any of the causes set forth in 59 O.S. § 1310(A)(1)-(33).

FINDINGS OF FACT

1. Pursuant to 59 O.S. § 1314(B)(1) and O.A.C. 365:25-5-36(a) and (b), a licensed bail bondsman must electronically submit to the Insurance Commissioner (the "Commissioner") monthly reports for each line of authority held, even if no bonds were written under any particular

component during that month, and monthly reports for each company, professional bondsman or multicounty agent bondsman with which he/she is appointed and has an outstanding liability with, even if an appointment has been canceled, within fifteen (15) days after the end of each preceding month.

2. Respondent failed to submit both her June 2018 ACIC and USFIC monthly surety reports to the Commissioner on or before the date in which both monthly surety reports were due on July 16, 2018 (July 15, 2018 was not a normal business day of the Oklahoma Insurance Department).

3. On or about May 30, 2018, the OID's Bail Bond Division received a complaint against Respondent. The complaint alleged that Respondent had been paid One Thousand Dollars (\$1,000.00), in total, to post an appearance bond on behalf of defendant Joshua Cloud ("Cloud") in *State of Oklahoma v. Joshua L. Cloud and Skyler Elizabeth Pauline Lusk*, CF-2018-1646 (Oklahoma County District Court). Receipts submitted as part of the complaint showed that Respondent had received \$1,000.00 from the complainant Cloud. After receiving the \$1,000.00 payment, Respondent never posted the aforementioned appearance bond on behalf of Cloud.

4. Respondent failed to comply with - specifically, by failing to pay the assessed fine amounts therein- the following *Orders* of the Insurance Commissioner: Case No. 18-0325-DIS (Respondent was fined Two Hundred Fifty Dollars (\$250.00)); Case Nos. 18-0444-DIS/18-0445-DIS (Respondent was fined Five Hundred Dollars (\$500.00)); and Case Nos. 18-0460-DIS/18-0461-DIS ((Respondent was fined Seven Hundred Fifty Dollars (\$750.00)). Within that, each of the aforementioned *Orders* involved Respondent's failure to file monthly surety reports to the Insurance Commissioner in accordance with 59 O.S. § 1314(B)(1) and O.A.C. 365:25-5-36(a) and (b).

5. Respondent failed to initially accept or claim the *Orders* of the Insurance Commissioner issued in Case No. 18-0325-DIS and Case Nos. 18-0444-DIS/18-0445-DIS, which were both sent via certified mail to Respondent at her mailing address on file with the OID at the time of respective mailing therein and in accordance with 59 O.S. § 1311.

CONCLUSIONS OF LAW

1. Respondent violated 59 O.S. § 1310(A)(4) by misappropriation, conversion, or unlawful withholding of monies or property belonging to insurers, insureds, or others received in the conduct of business under the license.

2. Respondent violated 59 O.S. § 1310(A)(7) by failure to comply with, or violation of any proper order, rule, or regulation of the Commissioner

3. Respondent violated 59 O.S. § 1310(A)(24) for failing to timely file monthly reports as required by 59 O.S. § 1314(B).

4. Respondent violated 59 O.S. § 1310(A)(32) for failing to accept or claim a certified mailing from the Insurance Department or from any district or municipal court clerk addressed to the mailing address of the bondsman on file with the Insurance Department.

ORDER

BASED ON THE CLEAR AND CONVINCING EVIDENCE SET FORTH ABOVE, Respondent's bail bonds license is hereby **REVOKED** and Respondent is assessed the costs of this proceeding in the amount of **ONE HUNDRED TWENTY-FIVE DOLLARS (\$125.00)**. The costs are to be paid within thirty (30) days of receipt of this *Final Administrative Order*.

Done this 30th day of October, 2018.



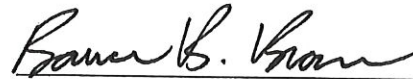

Charles F. Alden, III
Independent Hearing Examiner
Oklahoma Insurance Department

CERTIFICATE OF MAILING

I, Barron B. Brown, hereby certify that a true and correct copy of the above and foregoing *Final Administrative Order* was mailed by certified mail, with postage prepaid and return receipt requested, on this 31st day of October, 2018, to:

Audry Ann Conley
2001 Brighton Ave.
The Village, Oklahoma 73120-1114

CERTIFIED MAIL NO.
9214 8902 0982 7500 0140 12


Barron B. Brown
Assistant General Counsel

18-0562-DIS
BBB

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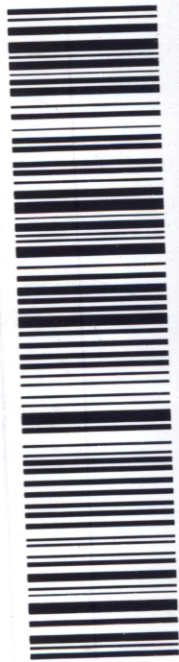
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JOHN D. DOAK
Insurance Commissioner
 Oklahoma Insurance Department
 5 Corporate Plaza
 3625 N.W. 56th St., Ste. #100
 Oklahoma City, OK 73112-4511

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