

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

FILED

NOV 19 2018

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,)
)
)
 Petitioner,)
)
vs.)
)
)
LONNY HEMBY, a licensed bail bondsman in the State of Oklahoma,)
)
)
AND)
)
J.B. ASKINS, a multicounty agent bail bondsman licensed in the State of Oklahoma,)
)
)
 Respondents.)

CASE NO. 18-0632-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 Lonny Hemby ("Hemby") is a licensed bail bondsman in the State of Oklahoma holding License Number 199332.

3. Respondent J.B. Askins ("Askins") is a multicounty agent bail bondsman in the State of Oklahoma holding License Number 199885.

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 February 28, 2018, an appearance bond was executed as follows:

Defendant:	Cody James Watton
Case Number(s):	CM-2018-568
City/County:	Oklahoma County
Surety:	J.B. Askins
Bondsman:	Lonny Hemby
Power Number(s):	100-18280
Bond Amount(s):	\$1,500.00

9. On April 26, 2018, 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 May 4, 2018, by the Oklahoma County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Hemby and Askins at their address of record on file with the Oklahoma Insurance Department with return receipt requested within thirty (30) days after the Order's filing.

10 Hemby received a copy of the Order and Judgment of Forfeiture on May 5, 2018.

11. Askins received a copy of the Order and Judgment of Forfeiture on May 5, 2018.

12. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was Saturday, August 4, 2018, and per administrative rule, payment of forfeiture was due on Monday, August 6, 2018.

13. The forfeiture was paid untimely on Tuesday, August 7, 2018.

ALLEGED VIOLATIONS OF LAW

14. Respondents Hemby and Askins 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*.

15. 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, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent Lonny Hemby and Respondent J.B. Askins violated *59 O.S. § 1310(A)(2) and (28)* by violating the provisions of *59 O.S. § 1332* and each is hereby **CENSURED**.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless either Lonny Hemby or J.B. Askins requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of this Conditional Administrative Order and Notice of Right to be Heard, the

penalties set forth above shall become a Final Order on the thirty-first (31st) day following the date of mailing this Order. A request for hearing should be in writing and addressed to Brian C. Chandler, 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 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 Lonny Hemby or J.B. Askins serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Administrative Order and Notice of Right to be Heard 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 19 day of November, 2018.

JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Brian C. Chandler
Brian C. Chandler, OBA# 31016
Staff Counsel
Legal Division
Oklahoma Insurance Department
Five Corporate Plaza
3625 NW 56th, Ste. 100
Oklahoma City, OK 73112
Tel: (405) 521-2746

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 19 day of November, 2018, to:

Lonny Hemby
1221 N. Classen Blvd.
Oklahoma City, OK 73106
CERTIFIED MAIL NO.

9214 8902 0982 7500 0146 47

J.B. Askins
1221 N. Classen Blvd.
Oklahoma City, OK 73106
CERTIFIED MAIL NO.

9214 8902 0982 7500 0146 54

and a copy was delivered to:

Lewis Garrison
Bail Bonds Division


Brian C. Chandler
Brian C. Chandler



November 26, 2018

Dear Sherry Standerfer:

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8902 0982 7500 0146 54.

Item Details

Status: Delivered, Front Desk/Reception/Mail Room
Status Date / Time: November 21, 2018, 12:22 pm
Location: OKLAHOMA CITY, OK 73106
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Recipient Name: J B ASKINS

Shipment Details

Weight: 2.0oz

Recipient Signature

Signature of Recipient:	<table border="1"><tr><td>Signature</td><td><i>Bruce Baldwin</i></td></tr><tr><td>Printed Name</td><td>J. B. Askins</td></tr></table>	Signature	<i>Bruce Baldwin</i>	Printed Name	J. B. Askins
	Signature	<i>Bruce Baldwin</i>			
Printed Name	J. B. Askins				
Address of Recipient:	<table border="1"><tr><td>Delivery Address</td><td>1221 N Classen Blvd</td></tr></table>	Delivery Address	1221 N Classen Blvd		
Delivery Address	1221 N Classen Blvd				

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November 26, 2018

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Location: OKLAHOMA CITY, OK 73106
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Recipient Name: LONNY HEMBY

Shipment Details

Weight: 2.0oz

Recipient Signature

Signature of Recipient:	Signature X <i>Bruce Baldwin</i>
	Printed Name J. B. Askins
Address of Recipient:	Delivery Address 1221 N Classen Blvd

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