

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

**FILED**  
**OCT 02 2018**  
**INSURANCE COMMISSIONER**  
**OKLAHOMA**

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

Petitioner, )

vs. )

**CLYDE LAFFERTY, SR.**, a licensed bail )  
bondsman in the State of Oklahoma, )

CASE NO. 18-0637-DIS

And )

**RAYMOND MERRILL**, a professional bail )  
bondsman )  
Licensed in the State of Oklahoma, )

Respondents.

**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, Sara A. Worten, 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. §§ 101-7401*, and the Oklahoma Bail Bond Act, *59 O. S. §§ 1301-1340*.

2. Respondent Clyde Lafferty, Sr. ("Lafferty") is a licensed bail bondsman in the State of Oklahoma holding license number 199075.

3. Respondent Raymond Merrill ("Merrill") is a professional bail bondsman in the State of Oklahoma holding license number 199369.

4. The Insurance Commissioner has jurisdiction over the subject matter raised in this

dispute and may issue penalties pursuant to 59 O.S. §§ 1310 and 1332.

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 \$250.00 nor more than \$2,500.00 for each occurrence.

6. If Lafferty or Merrill request 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 April 11, 2018, an appearance bond was executed as follows:

Defendant:	Logan Levi Townsend
Case Number(s):	CM-2016-2
City/County:	Logan County
Surety:	Raymond Merrill
Bondsman:	Clyde Lafferty, Sr.
Power Number(s):	MB5 24648
Bond Amount(s):	\$2,000.00

9. On May 14, 2018, the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued and filed on May 14, 2018, by the Logan County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondent with return receipt requested within 30 days after the Order's filing.

10. Lafferty received a copy of the Order and Judgment of Forfeiture on May 15, 2018.

11. Merrill received a copy of the Order and Judgment of Forfeiture on May 16, 2018.

12. The ninety-first day after receipt of the Order and Judgment of Forfeiture was August 14, 2018.

13. As of the date of this Order the forfeiture has not been paid and the defendant was not returned to custody, in accordance with *59 O.S. § 1332*.

### **VIOLATIONS OF LAW**

14. Lafferty and Merrill have violated *59 O.S. 1310(A)(2) and (28)*, by failing to return the Defendant to custody within 91 days or remit payment in the face amount of the bond forfeiture within 91 days from receipt of the Order and Judgment of Forfeiture in accordance with the provisions of *59 O.S. § 1332* and *OAC 365:25-5-40* and *365:25-5-41*.

15. Lafferty and Merrill have violated *59 O.S. 1310(A)(6), (9) and (28)* by failing to comply with Order of Judgement & Forfeiture.

### **ORDER**

**IT IS THEREFORE ORDERED** that Respondents Lafferty and Merrill are **each FINED \$250.00**. The fines are to be paid within 30 days of the date of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department.


**IT IS FURTHER ORDERED** that the face amount of the bond forfeiture shall be deposited with the Logan County Court Clerk in Logan County case number CM-2016-2. If the fines and forfeiture are not paid within 30 days, Respondents' license will be suspended and shall remain suspended until the fines and forfeiture are paid in full.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless Lafferty or Merrill request a hearing with respect to the Allegations of Fact set forth above within 30 days of the date of this Conditional Order, the penalties set forth above will become a Final Order on the thirty-first day following the date of mailing this Order. A request for hearing should be in writing and addressed to Sara A. Worten, 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 must be served on the Oklahoma Insurance Department within the 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.*, and the Oklahoma Administrative Procedures Act, *75 O.S. §§ 250 through 324*. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order will 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 will be considered withdrawn, pending final resolution at the hearing .

WITNESS My Hand and Official Seal this 2nd day of October 2018.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
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Sara A. Worten  
Assistant General 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 2nd day of October 2018, to:

Clyde Lafferty, Sr.  
414 S. Pine Street  
Guthrie, OK 73044-5832

**CERTIFIED MAIL NO.**

9214 8902 0982 7500 0132 13

Raymond Merrill  
104 N. Oak Street  
Sallisaw, OK 74955-4638

**CERTIFIED MAIL NO.**

9214 8902 0982 7500 0132 20

and a copy was delivered to:

Renonda Stogsdill  
Lewis Garrison  
Bail Bonds Division



Sara A. Worten  
Assistant General Counsel



18-0637-DI'S  
STW  
(Lafferty)

Date Produced: 10/08/2018

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0132 13. Our records indicate that this item was delivered on 10/03/2018 at 09:07 a.m. in GUTHRIE, OK 73044. The scanned image of the recipient information is provided below.

Signature of Recipient :

Katy Lafferty

Address of Recipient :

414 S. Pine 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

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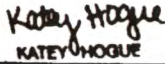
18-0637-015  
8MW  
(Merrill)

Date Produced: 10/08/2018

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0132 20. Our records indicate that this item was delivered on 10/05/2018 at 08:56 a.m. in SALLISAW, OK 74955. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	 KATEY HOGUE
Date	OCT 04 2018

Address of Recipient :

Organization	MERRILL BONDING COMPANY
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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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