

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
NOV 28 2018
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
)
Petitioner,)
vs.)
)
)
WILBUR ALLEN LEATHERMAN, a licensed)
bail bondsman in the State of Oklahoma,)
)
Respondent.)

CASE NO. 18-0647-DIS

CONDITIONAL ORDER AND
NOTICE OF HEARING AND ORDER TO SHOW CAUSE

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner,
by and through counsel, Teresa L. Green, 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 et seq., and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301 et seq.

2. Respondent Wilbur Allen Leatherman ("Respondent") is a licensed bail bondsman in the State of Oklahoma holding license number 199963 writing for multicounty agent bondsman Kirk Osborn. Respondent's mailing address of record with the Oklahoma Insurance Department is 2118 Hunters Hill Dr., Enid, OK 73703-2332.

3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 59 O.S. § 1310.

FINDINGS OF FACT

4. Pursuant to 59 O.S. § 1314(B) and OAC 365:25-5-36(a), every licensed bondsman

shall electronically submit monthly reports for each line of authority by the fifteenth (15th) day of each month.

5. Respondent submitted his February 2018 report a day late on March 16, 2018. The report was due no later than March 15, 2018.

6. Respondent submitted his April 2018 report a day late on May 16, 2018. The report was due no later than May 15, 2018.

7. Respondent submitted his July 2018 report a day late on August 16, 2018. The report was due no later than August 15, 2018.

8. Respondent submitted his September 2018 report a day late on October 16, 2018. The report was due no later than October 15, 2018.

9. Respondent has three (3) prior cases for submitting reports untimely to the Oklahoma Insurance Department.

10. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to *59 O.S. §§ 1310*.

11. Pursuant to *59 O.S. § 1310(A)*, the Insurance Commissioner may deny, censure, suspend, revoke, or refuse to renew any license issued under Sections 1301 through 1341 for (1) violation of any laws of this state or any lawful rule, regulation, or order of the Commissioner relating to bail and/or (2) failing to file a report as required by Section 1314.

12. Pursuant to *59 O.S. § 1310(B)*, in addition to any denial, censure, suspension, or revocation of a license, any bondsman violating a provision of the Bail Bond Act, *59 O.S. §§ 1301–41*, may be subject to a civil penalty of not less than \$250.00 but not more than \$2,500.00 per violation.

CONCLUSIONS OF LAW

13. Respondent violated 59 O.S. § 1314(B) and OAC 365:25-5-36(a) on four (4) occasions by failing to file his monthly reports by the fifteenth (15th) day of the following month in accordance with the requirements of 59 O.S. § 1314(B) and OAC 365:25-5-36(a).

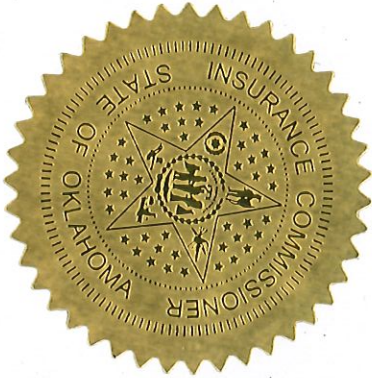
ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that Respondent Wilbur Allen Leatherman is **FINED** in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** for the violations of 59 O.S. § 1314(B) and OAC 365:25-5-36(a). The fine is to be **paid within thirty (30) days of receipt of this Order.**

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 Findings 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 (31st) day following the date of mailing this Order. A request for hearing should be in writing addressed to Teresa L. Green, 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 the Insurance Code and 75 O.S. § 250 *et seq.* If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order will act as notice of the matters to be reviewed at the hearing, and the Allegations of Fact, Conclusions 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 28th day of November 2018.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Teresa L. Green", is written over a horizontal line.

Teresa L. Green, OBA #32897
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, OK 73112
Telephone: (405) 521-4063
Facsimile: (405) 522-0125

CERTIFICATE OF MAILING

I, Teresa L. Green, hereby certify that a true and correct copy of the above and foregoing *Conditional Order and Notice of Hearing and Order to Show Cause* was mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 28th day of November 2018, to:

Wilbur Allen Leatherman
2118 Hunters Hill Dr.
Enid, OK 73703-2332

CERTIFIED MAIL NO.
9214 8902 0982 7500 0149 44

and a copy was delivered to:

Bail Bonds Division



Teresa L. Green



PO-0047 DIS
SQL/TLG

Date Produced: 12/03/2018

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0149 44. Our records indicate that this item was delivered on 11/30/2018 at 10:13 a.m. in ENID, OK 73703. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

2118 Hunters Hill

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.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

WILBUR ALLEN LEATHERMAN
2118 HUNTERS HILL DR
ENID OK 73703-2332

Customer Reference Number: C1103554.6343183