

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
JAN 23 2019
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN
MULREADY, Insurance Commissioner,

Petitioner,

v.

AMY LYNN POINTS, a licensed bail
bondsman in the State of Oklahoma,

Respondent.

Case Nos. 18-0729-DIS
18-0730-DIS
18-0866-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. 18-0729-DIS; 18-0730-DIS; and 18-0866-DIS) on December 10, 2018, which alleged that Amy Lynn Points ("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. Additionally, the *Notice of Hearing and Order to Show Cause* was also sent via electronic mail to Respondent's email address on file with the OID. The administrative hearing was held on January 16, 2019. Former Oklahoma Insurance Commissioner John D. Doak appointed the undersigned Independent Hearing Examiner, Stephan S. Mathis, 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. Glen Mulready 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., as well as 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 40091884. Respondent does not currently have any active surety appointments. Respondent previously had surety appointments with American Contractors Indemnity Company ("ACIC"), which was cancelled on December 11, 2017 and with United States Fire Insurance Company ("USFIC"), which was cancelled on February 26, 2018.

3. 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.

FINDINGS OF FACT

1. Pursuant to 59 O.S. § 1314(B)(1) and O.A.C. 365:25-5-36(b)(2), a licensed bail bondsman must electronically submit to the Insurance Commissioner (the "Commissioner") monthly reports for each company, professional bondsman or multicounty agent bondsman with

which he/she has an outstanding liability, even though the appointment has been canceled, within fifteen (15) days after the end of each preceding month.

2. Respondent failed to submit both her August 2018 USFIC and ACIC monthly surety reports to the Commissioner on or before the date in which both monthly surety reports were each due on September 17, 2018 (September 15, 2018 was a Saturday and, accordingly, not a normal business day of the Oklahoma Insurance Department).

3. On August 17, 2018, Respondent submitted to the Oklahoma Insurance Department ("OID") an Electronic Funds Transfer ("EFT") of Three Dollars (\$3.00) for her ACIC40091884-July2018-Original-01.DBF monthly report online fee ("ACIC July 2018 monthly report online fee"). On May 17, 2018, Respondent submitted to the OID an EFT of \$3.00 for her USFIC40091884-July2018-Original.01-DBF monthly report online fee ("USFIC July 2018 monthly report online fee").

4. On August 17, 2018, the Oklahoma State Treasurer (the "Treasurer") charged back to the OID as "Insufficient Funds" both the \$3.00 EFT for Respondent's ACIC July 2018 monthly report online fee and \$3.00 EFT for Respondent's USFIC July 2018 monthly report.

5. Respondent failed to remit payment of the aforementioned EFTs to the OID.

6. Respondent failed to submit both her September 2018 USFIC and ACIC monthly surety reports to the Commissioner on or before the date in which both monthly surety reports were each due on October 15, 2018.

7. Respondent failed to comply with - specifically, by failing to pay the assessed fine amount therein- the following *Order* of the Insurance Commissioner: Case Nos. 18-0471-DIS/18-0565-DIS (Respondent was fined Four Hundred Fifty Dollars (\$450.00)). Further, the aforementioned *Order* involved Respondent uttering insufficient electronic funds transfers to the

Insurance Commissioner in violation of 59 O.S. § 1310(A)(29).

CONCLUSIONS OF LAW

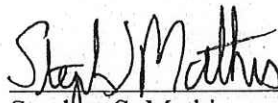
1. Respondent has violated 59 O.S. § 1310(A)(7) by failure to comply with, or violation of any proper order, rule, or regulation of the Commissioner
2. Respondent has violated 59 O.S. § 1310(A)(24) for failing to timely file monthly reports as required by 59 O.S. § 1314(B).
3. Respondent has violated 59 O.S. § 1310(A)(29) for uttering insufficient electronic funds transfers to the Insurance Commissioner for any fees, fines or other payments received by the Commissioner from the bail bondsman.

ORDER

BASED ON THE CLEAR AND CONVINCING EVIDENCE SET FORTH ABOVE, Respondent's bail bonds license is hereby **REVOKED**, Respondent is assessed the costs of this proceeding in the amount of **ONE HUNDRED TWENTY-FIVE DOLLARS (\$125.00)**, and Respondent is **FINED** in the amount **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)**. The costs and fine amount are to be paid within thirty (30) days of receipt of this *Final Administrative Order*.

Done this 22 day of January, 2019.




Stephan S. Mathis
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, and by electronic mail on this 23rd day of January, 2019, to:

Amy Lynn Points
117 S. 14th
Muskogee, OK 74401
amypointstx@gmail.com

CERTIFIED MAIL NO.

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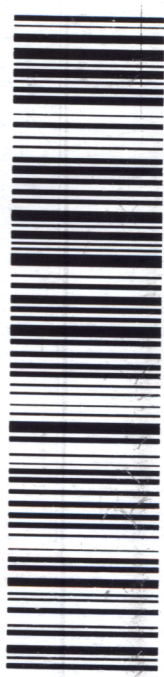


Barron B. Brown
Assistant General Counsel

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