

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

FILED

MAY 03 2019

**INSURANCE COMMISSIONER
OKLAHOMA**

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

Petitioner,

vs.

**SHANE MICHAEL FLASHNER, a previously
licensed bail bondsman in the State of
Oklahoma,**

Respondent.

CASE NO. 19-0259-DIS

**CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD**

COMES NOW the State of Oklahoma, *ex rel.* Glen Mulready, Insurance Commissioner,
by and through counsel, Brian C. Chandler, and alleges and states as follows:

JURISDICTION AND AUTHORITY

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma (“Commissioner”) and administers and enforces the Oklahoma Bail Bond Act, *59 Okla. Stat. Ann. §§ 1301-1341*. The Commissioner is the chief executive officer of the Oklahoma Insurance Department (“Department”). *36 Okla. Stat. Ann. § 301*.

2. The Commissioner has jurisdiction over the subject matter of this administrative action and may issue penalties pursuant to *59 Okla. Stat. Ann. § 1310*.

3. Respondent Shane Michael Flashner (“Respondent”) is a previously licensed bail bondsman in the State of Oklahoma who held license number 100281874, and Respondent’s bail bondsman license expired on or about January 31, 2019. Respondent’s mailing address of record with the Department is P.O. Box 646, Sallisaw, OK 74955-0646.

4. 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. *59 Okla. Stat. Ann. § 1310(B)*.

5. In the event that the Respondent requests a hearing in writing in this matter, the Commissioner shall appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent. *59 Okla. Stat. Ann. 1311.1; Okla. Admin. Code § 365:1-7-1*.

6. Upon written request reasonably made by a person affected by the hearing and at such person's expense, the Commissioner shall cause a full stenographic record of the proceedings to be made by a competent court reporter. *Okla. Admin. Code 365:1-7-5*.

PROPOSED FINDINGS OF FACT

7. Respondent's bail bondsman license expired on or about January 31, 2019.

8. Pursuant to the monthly reports filed by the Respondent with the Department, Respondent executed twenty-seven (27) appearance bonds from February 1, 2019 to March 20, 2019 in the State of Oklahoma without proper licensure from the Commissioner.

9. As of the date of this filing, Respondent has not reinstated his bail bondsman license.

10. At the time of this filing, it is unknown to the Commissioner if Respondent has executed any additional bonds without proper licensure by the Commissioner, and if such action has occurred, the same is included within these proposed findings of fact.

PROPOSED CONCLUSIONS OF LAW

11. Respondent has violated *59 Okla. Stat. Ann. § 1310(A)(2)* by violating *59 Okla. Stat. Ann. § 1303(A)* whereas Respondent executed and conducted bail bonds business within the State of Oklahoma without proper licensure by the Commissioner.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent violated the provisions of *59 Okla. Stat. Ann. § 1310(A)(2)* by violating *59 Okla. Stat. Ann. § 1303(A)* whereby Respondent executed twenty-seven (27) appearance bonds from February 1, 2019 to March 20, 2019 in the State of Oklahoma without proper licensure by the Commissioner and is hereby **FINED TWO-HUNDRED AND FIFTY (\$250.00) DOLLARS**. Subject to the following paragraph, Respondent is also ordered to pay the civil fine within thirty (30) days of receipt of this conditional administrative order, and Respondent is further **ORDERED THAT HE SHALL NOT ACT IN THE CAPACITY OF A BAIL BONDSMAN OR PERFORM ANY OF THE FUNCTIONS, DUTIES OR POWERS PRESCRIBED FOR BAIL BONDSMEN UNDER THE PROVISIONS OF SECTION 1301, ET SEQ.** Unless the Respondent requests a hearing in accordance with the following paragraph, refusal to comply with this conditional administrative order may result in further administrative action.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this order is a conditional administrative order. Unless Respondent requests a hearing with respect to the proposed findings of fact set forth above within thirty (30) days of receipt of this conditional administrative order, this conditional administrative order and the penalties set forth above shall become a final administrative order on the thirty-first (31st) day

following receipt of this conditional administrative order by Respondent. Such request for hearing, if desired, shall be in writing, addressed to Brian C. Chandler, Assistant General Counsel, Oklahoma Insurance Department, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112, and shall state the basis for requesting the hearing. The request 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 Bail Bond Act, 59 *Okla. Stat. Ann.* §§ 1301-1341, and the Oklahoma Administrative Procedures Act, 75 *Okla. Stat. Ann.* §§ 250 through 403. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this conditional administrative order shall act as a notice of the matters to be reviewed at the hearing and the proposed findings of fact, proposed conclusions of law, and penalties imposed in this conditional administrative order shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 1st day of May, 2019,



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


Brian C. Chandler, OBA# 31016
Assistant General Counsel
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112
(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 certified mail, with postage prepaid and return receipt requested on this 3rd day of, May, 2019 to:

Shane Michael Flashner
P.O. Box 646
Sallisaw, OK 74955-0646

CERTIFIED MAIL NO. 9214 8902 0982 7500 0201 29

And a copy was delivered to:

Lewis Garrison, Director
Bail Bonds Division



Brian C. Chandler



May 9, 2019

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 0201 29.

Item Details

Status:	Delivered
Status Date / Time:	May 9, 2019, 11:47 am
Location:	SALLISAW, OK 74955
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	SHANE MICHAEL FLASHNER

Shipment Details

Weight:	2.0oz
----------------	-------

Recipient Signature

Signature of Recipient:

Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004