

FILED
AUG 14 2019
INSURANCE COMMISSIONER
OKLAHOMA

Case No. 19-0512-DIS

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, by and through counsel, Barron B. Brown, and alleges and states as follows:

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., including the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1341.

2. Houston Lyle Whaley ("Respondent") is a licensed surety bail bondsman in the State of Oklahoma holding license number 100251862.

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.

1. Pursuant to 59 O.S. § 1314(B) and O.A.C. 365:25-5-36(a), a licensed bail bondsman must electronically submit to the Insurance Commissioner (the "Commissioner") monthly reports

for each component of the license held (i.e: each line of authority) within fifteen (15) days after the end of each preceding month – even if no bonds were written under any particular component of the license during that month.

2. Respondent untimely submitted his March 2019 monthly surety report, of which no surety bonds were written by Respondent during that month, to the Commissioner on April 16, 2019 — one (1) day after the report was due on April 15, 2019.

3. Respondent untimely submitted his May 2019 monthly surety report, of which no surety bonds were written by Respondent during that month, to the Commissioner on June 19, 2019 — two (2) days after the report was due on June 17, 2019 (June 15, 2019 was a Saturday and, accordingly, not a normal business day of the Commissioner's Office).

4. Respondent untimely submitted his June 2019 monthly surety report, of which no surety bonds were written by Respondent during that month, to the Commissioner on July 18, 2019 — three (3) days after the report was due on July 15, 2019.

ALLEGED VIOLATIONS OF LAW

1. Respondent has violated 59 O.S. § 1310(A)(24) by failing to timely file monthly reports as required by 59 O.S. § 1314(B).

ORDER

IT IS THEREFORE ORDERED that Respondent is **FINED Two Hundred Fifty Dollars (\$250.00)**. The fine is to be paid within thirty (30) days made payable to the Oklahoma Insurance Department. Payment may be made by either cashier's check or money order. Failure to comply with a proper order of the Insurance Commissioner may result in further administrative action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance

Commissioner that this Order is a Conditional Order. Unless Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of receipt of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first day following the date of receipt of this Order. A request for hearing should be in writing addressed to Barron B. Brown, 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 Oklahoma Bail Bond Act (59 O.S. §§ 1301-1341) and the Oklahoma Administrative Procedures Act (75 O.S. §§ 308a et seq.). If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as 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 14th day of August, 2019.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Barron B. Brown
Assistant General Counsel
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Telephone: (405) 521-2746
Facsimile: (405) 522-0125

CERTIFICATE OF MAILING

I, Barron B. Brown, 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 14th day of August, 2019, to:

Houston Lyle Whaley
810 NW 6th Street
Oklahoma City, OK 73106

CERTIFIED MAIL NO.

9214 8902 0982 7500 0230 76

and a copy was delivered via electronic mail to:

Bail Bonds Division



Barron B. Brown
Assistant General Counsel

Oklahoma Insurance Department
Legal Division
3625 N.W. 56TH Street, Suite
Oklahoma City, OK 73112

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
AUG 21 2019

Legal Division
JUL 12 2019

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