

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

FILED
DEC 12 2019
INSURANCE COMMISSIONER
OKLAHOMA

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

Petitioner,

vs.

KYLE CARTER, a formerly licensed bail
bondsman in the State of Oklahoma,

AND

JOHN BURKS, a multicounty agent bondsman
licensed in the state of Oklahoma,

Respondents.

CASE NO. 19-0766-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, Sara A. Worten, and alleges and states as follows:

JURISDICTION

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

2. Respondent Kyle Carter ("Respondent Carter") was a licensed bail bondsman in the State of Oklahoma holding license number 100179746. He voluntarily surrendered his license on October 11, 2018. Respondent Carter's address of record is 10709 NW 35th Street, Yukon, OK 73099-3367.

3. Respondent John Burks ("Respondent Holder") is a multicounty agent bondsman

in the state of Oklahoma holding license number 199080. Respondent Burks' address of record is P.O. Box 686, Pauls Valley, OK 73075-0686.

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 Respondents 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.

FINDINGS OF FACT

8. On or about April 7, 2017, an appearance bond was executed as follows:

Defendant:	Sara Joanne Davis
Case Number(s):	CF-2017-164
City/County:	Canadian County
Surety:	John Burks
Bondsman:	Kyle Carter
Power Number(s):	23022, 23023
Bond Amount(s):	\$11,000.00

9. On or about July 12, 2019, the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued on or about July 19, 2019, by the

Canadian County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondent Carter and Respondent Burks with return receipt requested within thirty (30) days after the Order's filing.

10 Respondent Carter's copy of the Order and Judgment of Forfeiture was returned unclaimed.

11. Respondent Burk received a copy of the Order and Judgment of Forfeiture on or about August 5, 2019.

12. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was November 4, 2019.

13. The forfeiture was not timely paid, and the defendant was not timely returned to custody.

CONCLUSIONS OF LAW

14. Respondents have violated 59 O.S. 1310(A)(2) and (28), by failing to return the Defendant to custody within ninety (90) 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. Respondents 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 Respondent Carter and Respondent Burks are each FINED \$500.00. 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. Failure to

comply with a proper order of the Commissioner will result in further administrative action.

IT IS FURTHER ORDERED that the face amount of the bond forfeiture shall be deposited with the Canadian County Court Clerk in Oklahoma County case number CF-2017-164 - should the court clerk show bond forfeiture as outstanding. If the forfeiture is not paid within 30 days of this Conditional Order, the Oklahoma Insurance Department is ordered to withdraw the face amount of the bonds from Respondent Burks' professional bail bondsman certificate of deposit and forward it to the Canadian County Court Clerk for payment of the bond forfeiture.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless either Respondent Carter or Respondent Burks request a hearing with respect to the Findings 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 31st day following the date of mailing this Order. A request for hearing should be in writing and addressed to Sara A. Worton, 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 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 either Respondent Carter or Respondent Burks serve 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 Findings 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 12th day of December 2019.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Sara A. Worten
Assistant General Counsel
Oklahoma Insurance Department
3625 NW 56th 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 12th day of December 2019, to:

Kyle Carter
10709 NW 35th Street
Yukon, OK 73009

CERTIFIED MAIL NO.

9214 8902 0982 7500 0263 12

John Burks
P.O. Box 686
Pauls Valley, OK 73075-0686

CERTIFIED MAIL NO.

9214 8902 0982 7500 0263 29

and a copy was delivered to:

Bail Bonds Division



Sara A. Worten
Assistant General Counsel

Oklahoma Insurance Department
Legal Division
3625 NW 56TH Street, Suite 100
Oklahoma City, OK 73112

73112

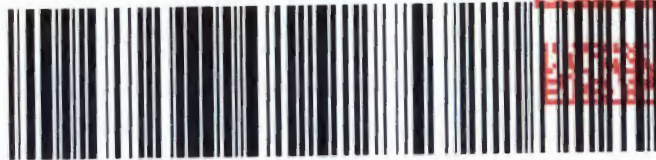
CERTIFIED MAIL™

USPS CERTIFIED MAIL

12/12/2019

US POSTAGE

\$006.25⁰



ZIP 73112
041M11455007

9214 8902 0982 7500 0263 12

KYLE CARTER
10709 NW 35TH ST
[REDACTED]

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

JAN 06 2020

Legal Division

UNCLAIMED

RECEIVED BY
JAN 06 2020
OKLAHOMA
INSURANCE DEPARTMENT

2nd
R11
JAN
12/13/2019
UNC



19-010766-Dis
(Burks) saw

Date Produced: 12/16/2019

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0263 29. Our records indicate that this item was delivered on 12/13/2019 at 01:17 p.m. in PAULS VALLEY, OK 73075. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

P.O. Box 686

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:

JOHN BURKS
PO BOX 686
PAULS VALLEY OK 73075-0686

Customer Reference Number: C1795304.10307460