

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
DEC 30 2020
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
vs.)
)
BARRY DEARMON LEWIS, a licensed bail)
bondsman in the State of Oklahoma,)
)
AND)
)
JOHN ROYDEN BURKS, a multicounty agent)
bondsman licensed in the State of Oklahoma,)
)
Respondents.)

CASE NO. 20-0412-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, Antuanya “Bo” DeBose, 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 Barry Dearmon Lewis (“Respondent Lewis”) is a licensed bail bondsman in the State of Oklahoma holding license number 3000537859. Respondent Lewis’ address of record is 5530 South 79th East PL Suite 9, Tulsa, Oklahoma 74145-7843.
3. Respondent John Royden Burks (“Respondent Burks”) is a multicounty agent bondsman in the state of Oklahoma holding license number 199080. Respondent Burks’ address of record is PO Box 686 Pauls Valley, Oklahoma 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 Respondents.
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 January 29, 2020, an appearance bond was executed as follows:

Defendant:	Justin Shane Houser
Case Number(s):	6135996
City/County:	City of Tulsa, Tulsa County
Surety:	John Royden Burks
Bondsman:	Barry Dearmon Lewis
Power Number(s):	29248
Bond Amount(s):	\$500.00
9. On or about February 14, 2020 the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued on or about February 20, 2020, by the Tulsa Municipal Court. A true and correct copy of the Order and Judgment of Forfeiture was

mailed to Respondent Lewis and Respondent Burks with return receipt requested within thirty (30) days after the Order's filing.

10. Respondent Lewis' copy of the Order and Judgement of Forfeiture shows it is still in transit through USPS tracking.

11. Respondent Burks received a copy of the Order and Judgement of Forfeiture on or about February 24, 2020.

12. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was, in accordance with SCAD No. 2020-36, July 27, 2020.

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*. Respondents also failed to remit payment in the face amount of the bond on or before the extended deadline of July 27, 2020.

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 Lewis and Respondent Burks are **each** **FINED \$250.00**. 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 located at 400 NE 50th Street, Oklahoma City, Oklahoma 73112. Failure to comply with a proper order of the

Commissioner will result in further administrative action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless either Respondent Lewis 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 Antuanya “Bo” DeBose, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, 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 Lewis 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 30th day of December 2020.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Antuanya “Bo” DeBose
Assistant General Counsel
Oklahoma Insurance Department

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 30th day of December, 2020, to:

Barry Dearmon Lewis
5530 South 79th East Place, Suite 9
Tulsa, Oklahoma 74145-7843

CERTIFIED MAIL NO:
9214 8902 0982 7500 0331 74

John Royden Burks
PO Box 686
Pauls Valley, Oklahoma 73075-0686

CERTIFIED MAIL NO:
9214 8902 0982 7500 0331 81

and a copy was delivered to:

Bail Bonds Division



Antuanya "Bo" DeBose
Assistant General Counsel



20-0412-Di's
(Lewis) ADD

Date Produced: 01/11/2021

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0331 74. Our records indicate that this item was delivered on 01/04/2021 at 12:21 p.m. in TULSA, OK 74145. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

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:

BARRY DEARMON LEWIS
STE 9
5530 S 79TH EAST PL
TULSA OK 74145-7843

Customer Reference Number: C2445760.14042874



20-042-115
(Burks) ASD

Date Produced: 01/11/2021

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0331 81. Our records indicate that this item was delivered on 01/06/2021 at 11:21 a.m. in PAULS VALLEY, OK 73075. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

PO Box
1686

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 ROYDEN BURKS
P.O. BOX 686
PAULS VALLEY, OK 73075-0686

Customer Reference Number: C2445760.14042875