

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.)
)
)
HOWARD LATRELL BARNETT, a licensed)
bail bondsman in the State of Oklahoma,)
)
AND)
)
RAYMOND LEE MERRILL, a multicounty)
agent bondsman licensed in the state of Oklahoma,)
)
)
Respondents.)

CASE NO. 20-0618-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 Howard Latrell Barnett (“Respondent Barnett”) is a licensed bail bondsman in the State of Oklahoma holding license number 96288. Respondent Barnett’s address of record is PO Box 2652, Oklahoma City, Oklahoma 73101-2652.
3. Respondent Raymond Lee Merrill (“Respondent Merrill”) is a multicounty agent bondsman in the state of Oklahoma holding license number 199369. Respondent Merrill’s address of record is 104 North Oak Street, Sallisaw, Oklahoma 74955-4638.

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 August 16, 2018, an appearance bond was executed as follows:

Defendant:	Tim Erwin Grundy
Case Number(s):	CM-2016-1446
City/County:	Oklahoma County
Surety:	Raymond Merrill
Bondsman:	Howard Barnett
Power Number(s):	MB 5 26912
Bond Amount(s):	\$1,000.00

9. On or about June 12, 2020 the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued on or about June 26, 2020 by the Oklahoma County District Court. A true and correct copy of the Order and Judgment of Forfeiture

was mailed to Respondent Barnett and Respondent Merrill to their address of record with return receipt requested within thirty (30) days after the Order's filing.

10. Respondent Barnett's copy of the Order and Judgement of Forfeiture was received July 15, 2020.

11. Respondent Merrill's copy of the Order and Judgement of Forfeiture was received June 29, 2020.

12. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was October 14, 2020.

13. The forfeiture was paid October 15, 2020 and therefore was paid untimely.

CONCLUSIONS OF LAW

14. Respondents have violated *59 O.S. 1310(A)(6) 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*.

ORDER

IT IS THEREFORE ORDERED that Respondent Barnett and Respondent Merrill 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 Barnett or

Respondent Merrill 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 Barnett or Respondent Merrill 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

Antuanya “Bo” DeBose
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73112

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:

Raymond Lee Merrill
104 North Oak Street
Sallisaw, Oklahoma 74955-4638

**CERTIFIED MAIL NO:
9214 8902 0982 7500 0331 50**

Howard Latrell Barnett
PO Box 2652
Oklahoma City, Oklahoma 73101-2652

**CERTIFIED MAIL NO:
9214 8902 0982 7500 0331 67**

and a copy was delivered to:

Bail Bonds Division



Antuanya "Bo" DeBose
Assistant General Counsel



20-0618-Dis
ABD

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 50. Our records indicate that this item was delivered on 01/02/2021 at 10:37 a.m. in SALLISAW, OK 74955. The scanned image of the recipient information is provided below.

Signature of Recipient :

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Address of Recipient :

151 N OAK

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:

RAYMOND LEE MERRILL
104 N OAK ST
SALLISAW OK 74955-4638

Customer Reference Number: C2445760.14042872



202018-Dis
ASD

Date Produced: 01/18/2021

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0331 67. Our records indicate that this item was delivered on 01/12/2021 at 02:34 p.m. in OKLAHOMA CITY, OK 73101. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Printed Name	Howard Barnett

Address of Recipient :

Address	PO BOX 2652 OKLAHOMA CITY OK 73101-2652
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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:

HOWARD LATRELL BARNETT
PO BOX 2652
OKLAHOMA CITY OK 73101-2652

Customer Reference Number: C2445760.14042873