

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

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

Petitioner,

vs.

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

AND

BANKERS INSURANCE COMPANY, an
insurance company licensed to act as a bail surety
in the State of Oklahoma,

Respondents.

FILED
MAY 04 2021
INSURANCE COMMISSIONER
OKLAHOMA

CASE NO. 21-0094-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 Kyle David Carter (“Respondent Carter”) is a licensed bail bondsman in the State of Oklahoma holding license number 100179746. Respondent Carter’s address of record is 10709 NW 35th Street, Yukon, Oklahoma 73099-3367.
3. Respondent Bankers Insurance Company (“Respondent Bankers”) is an insurance company licensed to act as a bail surety in the State of Oklahoma holding NAIC CoCode 33162.

Respondent Bankers' address of record is 11101 Roosevelt Boulevard N, Saint Petersburg, Florida 33716-2340.

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 November 28, 2017, an appearance bond was executed as follows:

Defendant:	David Lee Hardy, Jr.
Case Number(s):	CM-2013-3070
City/County:	Oklahoma County
Surety:	Bankers Insurance Company
Bondsman:	Kyle David Carter
Power Number(s):	511374395-9
Bond Amount(s):	\$2,000.00

9. On or about September 25, 2020 the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued on or about October 5, 2020 by the Oklahoma County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondent Carter and Respondent Bankers to their address of record with return receipt requested within thirty (30) days after the Order's filing.
10. Respondent Carter's copy of the Order and Judgement of Forfeiture was returned to sender.
11. Respondent Bankers' copy of the Order and Judgement of Forfeiture was delivered October 26, 2020.
12. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was January 25, 2021.
13. The forfeiture was untimely paid on April 29, 2021.

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 Carter and Respondent Bankers are both **FINED \$250.00**. The fine shall 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 Respondents 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 Respondent Carter or Respondent Bankers serves 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 4th day of May 2021.



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 4th day of May, 2021, to:

Kyle David Carter
10709 NW 35th Street
Yukon, Oklahoma 73099-3367

CERTIFIED MAIL NO:
9214 8902 0982 7500 0371 03

Bankers Insurance Company
11101 Roosevelt Boulevard N
Saint Petersburg, Florida 33716-2340

CERTIFIED MAIL NO:
9214 8902 0982 7500 0371 10

and a copy was delivered to:

Bail Bonds Division



Antuanya "Bo" DeBose
Assistant General Counsel



21-0094 Dis
(Carter) ASD

Date Produced: 05/10/2021

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0371 03. Our records indicate that this item was delivered on 05/06/2021 at 12:35 p.m. in YUKON, OK 73099. 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:

KYLE DAVID CARTER
10709 NW 35TH ST
YUKON OK 73099-3367

Customer Reference Number: C2674852.15416890



21-0094-015
(Bankers Ins. Co)
ASD

Date Produced: 05/10/2021

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0371 10. Our records indicate that this item was delivered on 05/07/2021 at 09:30 a.m. in SAINT PETERSBURG, FL 33742. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature of Recipient: [Handwritten Signature]
Name: Dell Parker

Address of Recipient :

Address of Recipient: BANKERS 4/27

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:

BANKERS INSURANCE COMPANY
11101 ROOSEVELT BLVD N
ST PETERSBURG FL 33716-2340

Customer Reference Number: C2674852.15416889