

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

FILED
MAY 04 2021
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
vs.)
)
BRYAN DALE SCHUBERT, a licensed bail)
bondsman in the State of Oklahoma,)
)
AND)
)
HOWARD LYNN MCCLANAHAN, a)
multicounty agent bondsman licensed in the state)
of Oklahoma,)
)
Respondents.)

CASE NO. 21-0149-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 Bryan Dale Schubert (“Respondent Schubert”) is a licensed bail bondsman in the State of Oklahoma holding license number 199605. Respondent Schubert’s address of record is 8404 NW 64th Terrace, Oklahoma City, Oklahoma 73132.
3. Respondent Howard Lynn McClanahan (“Respondent McClanahan”) is a multicounty agent bondsman in the State of Oklahoma holding license number 199770. Respondent

McClanahan's address of record is PO Box 1631 Idabel, Oklahoma 74745.

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 July 9, 2020, an appearance bond was executed as follows:

Defendant:	Darryn Sammeul Haley
Case Number(s):	CF-2020-4042
City/County:	Oklahoma County
Surety:	Howard Lynn McClanahan
Bondsman:	Bryan Dale Schubert
Power Number(s):	MC1 1168
Bond Amount(s):	\$5,000.00

9. On or about December 10, 2020 the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued on or about December 14, 2020 by the

Oklahoma County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondent Schubert and Respondent McClanahan to their address of record with return receipt requested within thirty (30) days after the Order's filing.

10. Respondent Schubert's copy of the Order and Judgment of Forfeiture was delivered December 16, 2020.

11. Respondent McClanahan's copy of the Order and Judgment of Forfeiture was received December 21, 2020.

12. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was March 17, 2021.

13. The forfeiture was untimely paid April 26, 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 Schubert and Respondent McClanahan 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 Schubert or Respondent McClanahan 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:

Howard Lynn McClanahan
PO Box 1631
Idabel, Oklahoma 74745

CERTIFIED MAIL NO:
9214 8902 0982 7500 0371 27

Bryan Dale Schubert
8404 NW 64th Terrace
Oklahoma City, Oklahoma 73132

CERTIFIED MAIL NO:
9214 8902 0982 7500 0371 34

and a copy was delivered to:

Bail Bonds Division



Antuanya "Bo" DeBose
Assistant General Counsel



21-0149-Dis
(McClanahan) ASD

Date Produced: 05/17/2021

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0371 27. Our records indicate that this item was delivered on 05/10/2021 at 10:31 a.m. in IDABEL, OK 74745. The scanned image of the recipient information is provided below.

Signature of Recipient :

Howard McClanahan
Howard McClanahan

Address of Recipient :

1231

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 LYNN MCCLANAHAN
PO BOX 1631
IDABEL OK 74745-1631

Customer Reference Number: C2674852.15416888



21-0149-DIS
(Schubert) 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 34. Our records indicate that this item was delivered on 05/06/2021 at 09:51 a.m. in OKLAHOMA CITY, OK 73132. The scanned image of the recipient information is provided below.

Signature of Recipient :

Ba KML
B Schubert

Address of Recipient :

21-0149-DIS

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:

BRYAN DALE SCHUBERT
8404 NW 64TH TER
OKLAHOMA CITY OK 73132-3816

Customer Reference Number: C2674852.15416887