

FILED
SEP 22 2021
INSURANCE COMMISSIONER
OKLAHOMA

CASE NO. 21-0442-DIS

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:

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 Phillip Dustin Shaw (“Respondent Shaw”) is a licensed bail bondsman in the State of Oklahoma holding license number 100262402. Respondent Shaw’s address of record is 608 SW D Ave, Suite 6, Lawton, Oklahoma 73501-4560.
3. Respondent Dustin Clint Pletcher (“Respondent Pletcher”) is a multicounty agent bondsman in the State of Oklahoma holding license number 40070339. Respondent Pletcher’s address of record is 12844 Acme Road, Shawnee, Oklahoma 74804-9194.

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 June 2, 2020, an appearance bond was executed as follows:

Defendant:	Charles Wayne Haliburton Jr
Case Number(s):	CF-2020-254
City/County:	Comanche County
Surety:	Dustin Clint Pletcher
Bondsman:	Phillip Daniel Shaw
Power Number(s):	24658
Bond Amount(s):	\$1,000.00

9. On or about May 12, 2021 the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued on or about May 12, 2021 by the Comanche County District Court. A true and correct copy of the Order and Judgment of Forfeiture

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

10. Respondent Shaw's copy of the Order and Judgement of Forfeiture was delivered May 14, 2021.

11. Respondent Pletcher's copy of the Order and Judgement of Forfeiture was received May 18, 2021.

12. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was August 13, 2021.

13. The forfeiture was untimely paid September 7, 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 Shaw and Respondent Pletcher are both **FINED \$500.00**. 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 Shaw or Respondent Pletcher 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 22nd day of September 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 22nd day of September, 2021, to:

Dustin Clint Pletcher
12844 Acme Road
Shawnee, Oklahoma 74804-9194

CERTIFIED MAIL NO:
9214 8902 0982 7500 0402 19

Phillip Daniel Shaw
608 SW D Ave, Suite 6
Lawton, Oklahoma 73501-4560

CERTIFIED MAIL NO:
9214 8902 0982 7500 0402 26

and a copy was delivered to:

Bail Bonds Division



Antuanya "Bo" DeBose
Assistant General Counsel



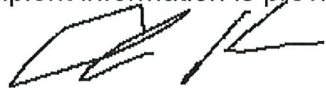
21-0442-Dis
(Pletcher) ASD

Date Produced: 10/04/2021

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0402 19. Our records indicate that this item was delivered on 09/29/2021 at 03:07 p.m. in SHAWNEE, OK 74801. The scanned image of the recipient information is provided below.

Signature of Recipient :


Pletcher

Address of Recipient :

12841 Zenith
Shawnee OK

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.

Customer Reference Number: C2955971.17008065



21-0442-015
(Shaw) ASD

Date Produced: 09/27/2021

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0402 26. Our records indicate that this item was delivered on 09/24/2021 at 10:35 a.m. in LAWTON, OK 73501. The scanned image of the recipient information is provided below.

Signature of Recipient :

LM C9 C19
P. Shaw

Address of Recipient :

608 S 1st D

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.

Customer Reference Number: C2955971.17008066