

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

FILED

DEC 28 2012

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner,)
)
vs.)
)
PENNY JO BAIR, a licensed bail bondsman in the)
State of Oklahoma,)
)
Respondent.)

Case No. 12-1112-DIS

**CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD**

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through counsel and alleges and states as follows:

JURISDICTION

1. John D. Doak 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. §§ 101-7301, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1340.
2. Respondent Penny Jo Bair (“Respondent”) is a licensed bail bondsman in the State of Oklahoma holding license number 100105626.

FINDINGS OF FACT

1. Until November 5, 2012, Respondent was appointed to write bail bonds by power of attorney on behalf of Roche Surety & Casualty Company (“RSCC”). On that date, RSCC cancelled Respondent’s appointment.
2. Respondent’s September 2012 RSCC report indicated her total remaining outstanding liability under RSCC was \$26,500.

3. Respondent failed to file with the Insurance Commissioner her October 2012 RSCC surety report.

4. On November 16, 2012, and November 26, 2012, as a courtesy, Oklahoma Insurance Department Staff sent Respondent two emails regarding her failure to file the report.

5. As of the date of this Order, Respondent has not filed the report.

CONCLUSIONS OF LAW

1. Respondent has violated 59 O.S. § 1310(A)(22) for failing to file a report as required by Section 1314, which states that “monthly reports shall be submitted electronically to the Insurance Commissioner by the fifteenth day of each month.”

2. Pursuant to 59 O.S. § 1310(A), the Commissioner “may deny, censure, suspend, revoke, or refuse to renew any license issued” under the Bail Bond Act for the above-alleged violation.

3. Pursuant to Oklahoma Administrative Code Rule 365:25-5-36(B)(2), every bondsman must submit a report for “each company with which he/she has outstanding liability, even though the appointment has been cancelled.”

4. Pursuant to 59 O.S. § 1310(B), “any person violating any provision of Sections 1301 through 1340 of this title may be subject to a civil penalty of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each occurrence.”

ORDER

IT IS THEREFORE ORDERED that Penny Jo Bair is FINED Two Hundred Fifty Dollars (\$250.00).

IT IS FURTHER ORDERED that Penny Jo Bair shall file all outstanding reports and pay all associated fees within 30 days of receipt of this Order. If she does not, her license shall be **SUSPENDED on the 31st day following receipt and the suspension shall remain in effect until all reports and fees are submitted to the Department.**

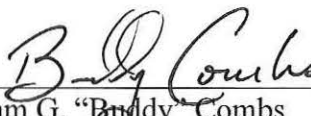
Respondent is notified that she may request a hearing within 30 days of the receipt of this Order concerning this action, and upon such request, the Oklahoma Insurance Department shall conduct a hearing before an independent hearing examiner. A request for hearing shall be made in writing to Buddy Combs, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112, and **give an explanation of Respondent's actions alleged herein and any defenses thereto.**

If Respondent does not either (1) request a hearing within the 30 days allotted or (2) submit the reports and fees outstanding within 30 days, this Order shall become a FINAL ORDER on the 31st day following the receipt of the Order, the fine ordered herein shall be due, and Respondent's license shall be suspended.

WITNESS My Hand and Official Seal this 28th day of December, 2012.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



William G. "Buddy" Combs
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 521-2746
Fax (405) 522-0125

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 certified, return receipt requested, on this 28th day of December, 2012, to:

Penny Jo Bair
14059 S. 300th East Ave.
Coweta, OK 74429-7820



William G. "Buddy" Combs

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

7001 0320 0003 9967 3280

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	¢	



Sent To
 Penny Jo Bair
 14059 S. 300th East Ave.
 Coweta, Ok 74429-7820
 sms/12-1112-DIS/Cond. Ord.

PS Form 3800, Jan 2004

See reverse for instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Penny Jo Bair
 14059 S. 300th East Ave.
 Coweta, Ok 74429-7820
 sms/12-1112-DIS/Cond. Ord.

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Agent
 Addressee

B. Received by (Printed Name)
 RECEIVED INSURANCE DEPARTMENT

C. Date of Delivery
 JAN 22 2013

D. Is delivery address different from item 1? Yes
 If Yes, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7001 0320 0003 9967 3280

PS Form 3811, February 2004

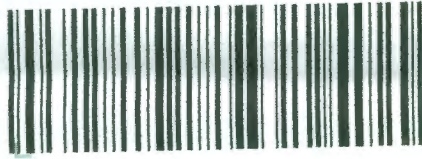
Domestic Return Receipt

102595-02-M-1540

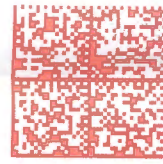
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL

Insurance Commissioner
Oklahoma Insurance Department
5 Corporate Plaza
3625 N.W. 56th St., Ste. #100
Oklahoma City, OK 73112-4511



7001 0320 0003 9967 3280



U.S. POSTAGE PITNEY BOWES

ZIP 73112 \$ 006.40
02 1W
0001363374 DEC 28 2013

REASON CHECKED
 Unclaimed Refused
 Attempted - Not Known
 Insufficient Address
 No Such Street No Such Number
 No Such Office In State
 Do Not Remail This Envelope



Penny Jo Bair
14059 S. 300th East Ave.
Coweta, Ok 74429-7820

1231 12
010818

NIXIE 731 SE 1 00 01/17/13

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 73112451125 *3057-02172-28-39

73112@4511

