

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

FILED
APR 13 2017
INSURANCE COMMISSIONER
OKLAHOMA

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

CASE NO. 16-1041-DIS

AGREED ORDER OF CONSENT

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through his attorney, Julie Meaders, and Kyle Carter, a licensed bail bondsman in the State of Oklahoma, and agree to the entry of this Consent Order and jointly state 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 et seq.* and the Oklahoma Bail Bond Act, *59 O. S. §§ 1301 et seq.*
2. Respondent Kyle Carter (“Carter”) is a licensed bail bondsman in the State of Oklahoma holding license number 100179746.
3. The Insurance Commissioner may deny, censure, suspend, revoke, or refuse to renew any license issued pursuant to the Oklahoma Bail Bond Act and/or may levy a fine of not less than \$250.00 but not more than \$2,500.00 for each occurrence of a violation of the Oklahoma Bail Bond Act. *59 O.S. §§ 1310(A) and (B).*

STIPULATION OF FACTS

4. On March 21, 2015, Respondent executed a bail bond for Carlos Rodriguez, Jr., using insurer Dustin Clint Pletcher's power of attorney number 1915, in Oklahoma County case number CF-2015-1549.

5. Respondent filed an Appearance Bond in CF-2015-1549 which bore the name and address of American Surety Company, rather than Clint Pletcher.

6. The Affidavit of Undertaking ("Affidavit") filed in CF-2015-1549 provides that Respondent received \$500.00 in consideration from Ruth Rodriguez as premium for the bond. The Affidavit asserted that no security was received for writing the bond.

7. Respondent's March 2015 Bonds Written Report states that Respondent received \$500.00 in premium and that he received no collateral for writing the herein referenced bond.

8. On or about January 22, 2016, Respondent pled guilty and was sentenced. The court then exonerated the bond referenced herein.

9. Respondent's January 2016 Bonds Discharged Report indicates the bond was discharged on January 22, 2016, pursuant to a guilty plea.

10. On September 19, 2016, the Oklahoma Insurance Department ("OID") received a complaint from Maria Reynosa (aka Maria Rodriguez) ("Rodriguez") stating that Respondent had not paid back the \$5,000.00 in collateral on the herein referenced bond upon the bond's exoneration.

11. Rodriguez began contacting Respondent on February 9, 2016, seeking a refund for the \$5,000.00 collateral. Respondent did not receive the return of collateral until November 7, 2016.

AGREED VIOLATIONS OF LAW

12. Respondent violated *59 O.S. §§ 1310(A)(4), (21) and (22)* by failing to immediately return collateral received on the bond which was terminated on January 22, 2016.

13. Respondent violated *59 O.S. § 1316(E)* by failing to provide the name and last known mailing address of the insurer on the bond.

14. Respondent violated *59 O.S. § 1322(A)* and *OAC 365:25-5-39* by willfully filing a false Affidavit of Undertaking in that Respondent failed to disclose the security received for the undertaking; the amount received and the name of the person from whom the security was received.

15. Respondent violated *59 O.S. § 1314* and *OAC 365:25-5-37* by failing to maintain required records and failing to file monthly reports accurately reflecting collateral received in the herein referenced bond transaction.

ORDER AND CONSENT

IT IS THEREFORE ORDERED by the Insurance Commissioner and **CONSENTED** to by Respondent that he be fined in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** for the above described violations of the Oklahoma Bail Bond Code and the Oklahoma Insurance Code.



A handwritten signature in black ink that reads "James A. Mills". The signature is written in a cursive style.

James A. Mills
Chief of Staff

APPROVED:

Julie Meaders
JULIE MEADERS
ATTORNEY FOR PETITIONER

VERIFICATION AND CONSENT

I, Kyle Carter, state:

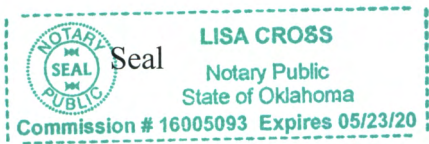
I have read this Consent Order. The contents and facts set forth in the order are true to the best of my knowledge. I consent to the entry of the order by the Insurance Commissioner and I waive my right to appeal this order.

Kyle Carter
KYLE CARTER

STATE OF OKLAHOMA
COUNTY OF _____

This instrument was acknowledged before me on 29 March 17 by
DEBORAH GALE.

Lisa Cross
Signature of Notarial Officer



Notary Public
Title

My commission expires:
5/23/20

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Agreed Order of Consent* was mailed certified, postage prepaid and return receipt requested, on this 13th day of ~~March~~, 2017, to:

April

Kyle David Carter
C & K Bail Bonds
10709 NW 35th
Yukon, OK 73099-3367

CERTIFIED MAIL NO. 7016 0910 0000 8401 4281

and a copy was delivered to:

Lewis Garrison
Bail Bonds Division


Julie Meaders