

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

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK,)
Insurance Commissioner,)
Petitioner,)

vs.)

GREGORY BATES, a licensed bail bondsman in the)
State of Oklahoma,)

And)

RAYMOND MERRILL, a licensed professional bail)
bondsman in the State of Oklahoma)
Respondents.

CASE NO. 11-0528-DIS

FILED

MAY 13 2011

INSURANCE COMMISSIONER
OKLAHOMA

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. §§ 101-7004 and the Oklahoma Bail Bond Act 59 O. S. §§ 1301-1340.

2. Respondent Gregory Bates ("Bates") is a licensed bail bondsman in the State of Oklahoma holding license number 199085.

3. Respondent Raymond Merrill ("Merrill") is a licensed professional bail bondsman in the State of Oklahoma holding license number 199369.

FINDINGS

1. On or about December 31, 2010, appearance bonds were executed as follows:

Defendant:

Candida Ulibarri

Case Number(s):	CF-09-1110A
City/County:	Tulsa County
Bondsman:	Gregory Bates
Insurer:	Raymond Merrill
Power Number(s):	25-2487
Bond Amount(s):	\$6,000.00

2. On January 3, 2011, the Defendant failed to appear, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued by the district court on January 3, 2011, and filed in the case. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondents with return receipt requested within thirty (30) days after the forfeiture.

3. Bates received a copy of the Order and Judgment of Forfeiture on January 13, 2011.

4. Merrill received a copy of the Order and Judgment of Forfeiture on January 7, 2011.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Bates was April 14, 2011. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture, nor were sums due on the forfeiture deposited with the court clerk on the ninety-first (91st) day.

6. The forfeited bail bond was paid on April 15, 2011.

7. The bail bond did not state Merrill's mailing address.

CONCLUSIONS

The allegations are found to be true and correct, and Respondents have violated 59 O.S. § 1332 by failing to return the defendant within ninety (90) days or to make payment of the bond forfeiture within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture. Respondents have also violated 59 O.S. 1316(E) by failing to list Merrill's mailing address on the bail bond.

ORDER

IT IS THEREFORE ORDERED that Respondents are each fined in the amount of One Thousand Two Hundred Dollars (\$1,200.00).

Respondents are further notified that a hearing may be requested within 30 days of the receipt of this Order concerning this action and upon such request the Insurance Department shall conduct a hearing before an independent hearing examiner. A request for hearing shall be made in writing to Natasha M. Scott, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Suite 100, Oklahoma City, Oklahoma 73112 and state the basis for requesting the hearing.

If Respondents do not request a hearing within the 30 days allotted, and the fines ordered herein shall be due to the Oklahoma Insurance Department.

WITNESS My Hand and Official Seal this 13th day of May, 2011.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Natasha M. Scott

Natasha M. Scott
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 521-2746
Fax (405) 521-0125

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Order was mailed certified, return receipt requested on this 13th day of May, 2011, to:

Gregory Bates
P.O. Box 27202
Tulsa, OK 74149-0202

Raymond Merrill
104 N. Oak St.
Sallisaw, OK 74955-4638



Natasha M. Scott

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

OFFICIAL USE

7001 0320 0004 2106 1788

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



Sent To
 Street, Apt. # or PO Box #
 City, State, Z

Raymond Merrill
 104 N. Oak St.
 Sallisaw, Ok 74955-4638
 sms/11-0528-DIS/Cond. Ord.

PS Form 3800, January 2001

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:

RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT
 MAY 18 2011

Raymond Merrill Legal Division
 104 N. Oak St.
 Sallisaw, Ok 74955-4638
 sms/11-0528-DIS/Cond. Ord.

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Debra K. Hamilton*
 DEBRA K. HAMILTON Agent
 Addressee

B. Received by (Printed Name) *MAY 16 2011* C. Date of Delivery

Delivered to addressee different from item 1? Yes
 No
 If YES, enter delivery address below:

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7001 0320 0004 2106 1788

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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



CERTIFIED MAIL



7001 0320 0004 2106 1795

U.S. POSTAGE FITNEY BOWES
ZIP 73112 \$006.43⁰
02 1W
0001363374 MAY 13 2011

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

JUN 06 2011

Legal Division

5-14

Gregory Bates
P.O. Box 27202
Tulsa, OK 74149-0202

5-19
5-31
NOTICE
NOTICE
RETURNED



OKLAHOMA CITY 73112
MAY 13 2011 PM
92527 0320 0004 2106 1795

NIXIE 741 DE 1 00 06/02/11
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 73112451125 *2657-03751-02-09
7311204511

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

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 **RECEIVED** so that we can return the card to you **UNPAID** if the addressee is unable to be reached.
- Attach this card to the back of the envelope or on the front if space permits.

JUN 06 2011

1. Article Addressed to:

Legal Division
 Gregory Bates
 P.O. Box 27202
 Tulsa, OK 74149-0202
 sms/11-0528-DIS/Cond. Ord.

COMPLETE THIS SECTION ON DELIVERY

- A. Signature X
- Agent
 Addressee
- C. Date of Delivery

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

3. Service Type
- Certified Mail
 - Registered
 - Insured Mail
 - Express Mail
 - Return Receipt for Merchandise
 - C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number **7001 0320 0004 2106 1795**
 (Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt

102596-02-M-1540



NOTICE OF NON-PAYMENT OF BOND FORFEITURE

Date APRIL 15, 2011

Attn: Licensing / Anna
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, OK 73112-4511

**DISTRICT COURT
FILED
APR 15 2011
SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY**

Re: State of Oklahoma vs. CANDIDA ULIBARRI

TULSA COUNTY

Case Number CF-2009-1110

To Whom It May Concern:

Pursuant to 59 O.S. §1332, we are formally notifying your office that the bondsman, GREGORY BATES, and his/her surety, RAYMOND MERRILL have failed to pay the forfeiture in the above captioned case in the amount of \$ 6,000.00 regarding Power Number 25-2487 (if applicable) which was forfeited by the District Court on 1-3-11 (date). The statutory 91st day from receipt of notice/ mailing would have occurred 4-14-11 (date). ✓

Attached you will find a certified copy of the Order and Judgment of Forfeiture and proof of mailing to the bondsman and, if applicable, his/her surety as required by law.

Submitted by:

Sally Howe Smith District Court Clerk

Tulsa, Oklahoma

By Deputy Court Clerk (Position)

Telephone number - (918) 596-9477

**RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
APR 18 2011
MAILROOM**

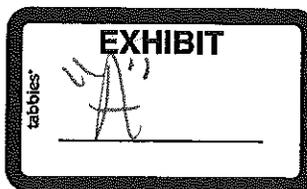
APR 19 2011

Agent Licensing Division

(Seal)

Note-Please also attach certified copies of the docket sheet, appearance bond, power of attorney, and any Motions and Orders that pertain to the bail bond for this case.
(Rev 02/2011)

I, Sally Howe Smith, Court Clerk, for Tulsa County, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerk's Office of Tulsa County, Oklahoma, this



APR 15 2011
By Sally Howe Smith
Deputy

APPEARANCE BOND - DISTRICT COURT



IN THE DISTRICT COURT, TULSA COUNTY, OKLAHOMA
STATE OF OKLAHOMA,

DISTRICT COURT
FILED
Plaintiff

JAN 08 2011

No. CF09-1110A

vs.
CANDIDA Kathleen ULIBARI Defendant,

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLAHOMA TULSA COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, the above named defendant, as principal, and the undersigned bondsman, corporation and other signers as sureties, jointly and severally acknowledge ourselves to owe and be indebted to the State of Oklahoma in the sum of six thousand dollars and zero cents Dollars (\$ 6000.00) to be levied on our property, real and personal, cash deposits and escrow deposits, wherever found, to the use of the State of Oklahoma.

THE CONDITION OF THIS BOND IS SUCH that if the above named defendant, now charged in the District Court of Tulsa County, with the crime of FTA App to Rev and admitted to bail in the above stated sum, shall personally be and appear before the said Court, in the division to which said case is assigned, on the 3 day of JAN 2011 9:00 AM RM 413, as ordered for arraignment, preliminary hearing, trial or judgment, and from day to day and term to term thereafter as ordered, or on the first day of the next jury term of said Court, if so ordered, and from day to day and term to term thereafter as ordered by said Court, and not depart therefrom without leave, and shall do and receive what shall be enjoined upon him by said Court, until this cause is finally determined, then this bond to be void, otherwise to be in full force and effect.

Principal (Defendant) Candida Ulibri
Surety _____
Surety-Licensed Bondsman Gregory Bates 19985
Corporate Surety Raymond L Merrill
By Greg Bates
Attorney-in-Fact

Address 1525 Denney Hominy Ok
Address 74025
Address _____
Office Address P.O. Box 27262 Tulsa, OK 74169
Date filed and approved this 31 day of December 2010
By [Signature]
Deputy Court Clerk

AFFIDAVIT AS TO UNDERTAKING AND QUALIFICATIONS OF SURETY

(Required of all licensed bondsmen, under penalty of perjury, 59 O.S., § 1322; 12 O.S., § 61; 12 O.S., § 62)

Sally Howe Smith, Court Clerk, for Tulsa County, Oklahoma, hereby certifies that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerk's Office of Tulsa County, Oklahoma, this

STATE OF OKLAHOMA, COUNTY OF TULSA, SS

The undersigned licensed bondsman, being duly sworn, on oath states:

That neither he or she, nor anyone for his or her use, has been promised or has received any security or consideration for his or her undertaking, except as stated herein.

Consideration received or promised \$ 600.00
Security received or promised: (List deeds or mortgages and describe personal property.)

By [Signature]
Deputy

no collateral or security received

Such promise, security or consideration was received from:

C.K. Ulibri
Name

4324 109th E Apt 1111 Tulsa, OK
Address 74146

That he or she is presently duly licensed, registered, and in all respects authorized by law to become surety in this undertaking, 59 O.S., § 1301 et seq.; 22 O.S., § 1101 et seq.; 12 O.S., § 61 et seq.; 22 O.S., § 1320.

That he or she is worth double the sum to be secured, over and above all exemptions, debts and liabilities, 12 O.S., § 1301 et seq.; 22 O.S., § 1101 et seq.; 12 O.S., § 61 et seq.

That he or she has not signed or countersigned this bond in blank, nor has he or she given a power of attorney to, or otherwise authorized, any person to countersign his or her name to this bond unless that person is a licensed bondsman directly employed by a bondsman giving such power of attorney, 59 O.S., § 1316.

That he or she has attached hereto all receipts for collateral accepted by him or her, fully described in detail, 59 O.S., § 1314; 59 O.S., § 1322.

That he or she is authorized, and legally capable, in all respects, to enter into this undertaking, both personally and on behalf of the corporate surety above-named; and that this undertaking is within, and does not exceed, the limitations and conditions of the power of attorney granted him or her by said corporate surety, all pursuant to 59 O.S., § 1320.

That he or she is familiar with the provisions of Oklahoma Statute regarding the effects of defects, omissions or failures in such undertakings, 59 O.S., § 1326.

That all legal requirements of licensing, registration and certification have been met by this bondsman, 59 O.S., § 1320. That the bondsman fully understands that willful misstatement of any material fact herein may subject him or her to prosecution for perjury, and/or to proceedings seeking denial, suspension or revocation of the bondsman's license, 59 O.S., § 1319.

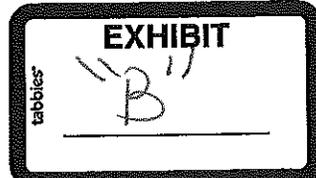
That he or she is a resident of the County of Tulsa State of Oklahoma.

Greg Bates 19985
Licensed Bondsman

Before me, the undersigned, on this 31 day of December 2010, personally appeared Gregory Bates, known to me to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed same as his free and voluntary act and deed. Given under my sign and seal of office on the day and year above written.

SALLY HOWE SMITH, DISTRICT COURT CLERK

[Signature]
Deputy Court Clerk



POWER OF ATTORNEY

Raymond L. Merrill, Professional Bondsman

\$25,500.00 POWER LIMIT

NO 25 - 2487

Merrill Bonding Co.
107 East Creek
Sallisaw, OK 74955

KNOW ALL MEN BY THESE PRESENTS:

That I, Raymond L. Merrill, of Sallisaw, Sequoyah County, State of Oklahoma, have made and constituted and appointed by these present do make constitute and appoint the below named agent, my true and lawful attorney, for me and in my name, place and stead, and to my use as my employee and agent to write professional bonds, to sign my name, by him, in the execution of any and all bonds made as my agent, giving my said attorney full power to do every thing whatsoever requisite and necessary to be done in the premises as fully as I could do if personally present, hereby ratifying and confirming all that my said attorney shall lawfully do, or cause to be done, by virtue hereof. All this provided this Power-Of-Authority is filed with the bond retained as a part of the court records, the said Attorney-In-Fact is hereby authorized to insert in this Power-Of-Authority the name of the person whose behalf this bond was given.

IN WITNESS THEREOF, Raymond L. Merrill, was caused these present to be signed by its duly authorized officer, proper for this

purpose this 31 day of December, 2010

Prem. Chg'd \$ 600.00

Bond Amount \$ 6000.00

Case # CF091110A

DOB 9-6-1983

Collateral None

Offense FTA App to Rev

County Tulsa

Raymond L. Merrill
RAYMOND L. MERRILL, Professional Bondsman

MERRILL BONDING CO.

Defendant Candice Kathleen OUBERRY

Address 4304 109th E Apt 1111

City TULSA State OK 74146

App. Date 3 JAN 2011 900 AM RM 2/13

Executing Agent Sherry Bick

I further swear that there are no delinquent taxes on said real property, except years: _____

Total \$ _____

and that said property is not scheduled on any other bond except _____

Amount \$ _____

This instrument is sworn to and acknowledged for the purpose of the approval of the bond to which it is attached, and for the purpose of impressing a lien on the above described property, (59 OS 1321-1324)

Surety

Surety-Bondsman

WAIVER OF HOMESTEAD EXEMPTION

_____ and _____ husband and wife,
do hereby waive our homestead exemption in and to the real property described in the within and foregoing instrument.

ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF TULSA, SS

Before me, a deputy district court clerk, in and for said county and state, on this day personally appeared each of the above named, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that he/they executed the same as his/their free and voluntary act and deed for the uses and purposes therein set forth. The said bondsman surety subscribed this instrument and swore to his qualifications before me the day last written, and in consideration thereof I have approved the bond to which this acknowledgement is attached.

Dated at Tulsa, Oklahoma, this _____ day of _____

SALLY HOWE SMITH, DISTRICT COURT CLERK

By _____

Deputy Court Clerk



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

2011 JAN -5 AM 9:26

State of Oklahoma, vs. Candida Ulibarri	SALLY HOWE SMITH COURT CLERK	Case No. CF-2009-1110 Count No. 1	DISTRICT COURT F I L E D JAN - 5 2011
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SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

ORDER AND JUDGMENT OF FORFEITURE

On **JANUARY 3, 2011** the above cause came on for hearing, according to the regular assignment of the docket of this Court. The Court finds that the above named defendant having heretofore been charged with the crime of: **APPLICATION TO REVOKE** having been committed to bail in the amount shown below and released on an appearance bond executed by the bondsman, and if applicable his insurer, as shown below:

Gregory Bates & Raymond Merrill

\$6000⁰⁰ #25-2487

Said bond conditioned as provided by law for the appearance of the defendant before this Court as required, and the Court having ordered the defendant to appear on **January 3, 2011** and the defendant, being called three times in open court - without sufficient excuse - failed to appear before the Court as ordered - or - departed there from without leave from the Court. The Court further finds that said bondsman had due and legal notice as provided by law of the required appearance of said defendant. The court further finds that the conditions of said appearance bond have been broken by both the defendant and the bondsman, and that an Order and Judgment of Forfeiture should be entered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the appearance bond of said defendant be, and the same is hereby declared and is ordered forfeited to the State of Oklahoma, and the amount of said bond is ordered paid to the Clerk of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court Clerk shall immediately mail a copy of this Order and Judgment of Forfeiture to the bondsman, and, if applicable, his or her insurer. The bondsman is hereby directed to deposit with the Court Clerk, the face amount of the forfeited bond, as shown above. Such deposit to be made within ninety-one (91) days from receipt of this Order and Judgment of Forfeiture or from the mailing of this notice if no receipt is made.

Witness my hand this 4th day of January, 2011.

[Signature]
JUDGE Matthew Henry

CERTIFICATE OF MAILING

I, Sally Howe Smith, District Court Clerk, for Tulsa County, Oklahoma, do certify that I mailed a true and correct copy of this Order and Judgment of Forfeiture to the above named bondsman and, if applicable, his or her insurer to the last known address of each, by certified mail with return receipt requested this 5 **RECEIVED** **JANUARY**, 2011. OKLAHOMA INSURANCE DEPARTMENT

SALLY HOWE SMITH, Tulsa County District Court Clerk
Agent Licensing Division

By: *Resiree Cooper*

I, Sally Howe Smith, Court Clerk, for Tulsa County, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerk's Office of Tulsa County, Oklahoma, this

APR 15 2011
By: *[Signature]*
Deputy



7160 3901 3881 2591

US Postal Service Certified Mail Receipt <i>Domestic Mail Only No Insurance Coverage Provided</i>	Postage	\$	Postmark Here
	Certified Fee		
	Return Receipt Fee (Endorsement Required)		
	Restricted Delivery Fee (Endorsement Required)		
	Total Postage & Fees	\$	
Sent To: GREGORY BATES P.O. BOX 27202 TULSA, OK 74149-0202 CF-9-1110/CANDIDA ULIBARRI			
PS Form 3800, January 2005		US Postal Service	Certified Mail Receipt

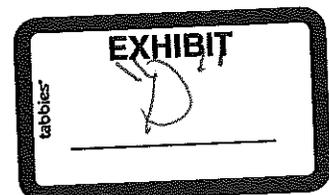
2

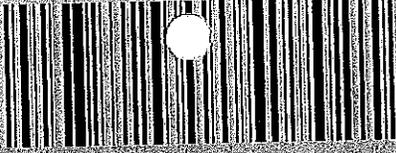
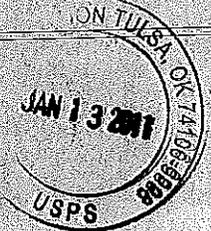
7160 3901 3881 2591

US Postal Service Certified Mail Receipt <i>Domestic Mail Only No Insurance Coverage Provided</i>	Postage	\$	Postmark Here
	Certified Fee		
	Return Receipt Fee (Endorsement Required)		
	Restricted Delivery Fee (Endorsement Required)		
	Total Postage & Fees	\$	
Sent To: RAYMOND MERRILL 104 N OAK ST SALLISAW, OK 74955-4638 CF-9-1110/CANDIDA ULIBARRI			
PS Form 3800, January 2005		US Postal Service	Certified Mail Receipt

2

Small illegible text at the bottom left of the page.



2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
 7160 3901 9846 3881 2581		A. Received by: (Please Print Name) <i>Greg Bates</i>	B. Date of Delivery
3. Service Type CERTIFIED MAIL		C. Signature <i>Greg Bates</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		D. Is delivery address different from item 1? If YES, enter delivery address below:	
1. Article Addressed to:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
GREGORY BATES P.O. BOX 27202 TULSA, OK 74149-0202			
CF-9-1110/CANDIDA ULIBARRI		Domestic Return Receipt	
PS Form 3811, January 2005			

required upon delivery of this item.
 If you have any questions, please call
 1-800-370-8782.



[Home](#) | [Help](#) | [Sign In](#)

[Track & Confirm](#) [FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: **7160 3901 9846 3881 2581**
Status: **Delivered**

Your item was delivered at 11:50 am on January 13, 2011 in TULSA, OK 74149. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

[Restore Offline Details >](#)

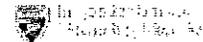
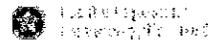
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No FEAR Act EEO Data

FOIA



2. Article Number: 1110



71603901 9846 3881 2598

3. Service type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

RAYMOND MERRILL
104 N OAK ST
SALLISAW, OK 74955-4638

CF-9-1110/CANDIDA UI-BARRI

PS Form 3841, January 2005

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Name) Date of Delivery

Robert A. Merrill
C. Signature **DEBRA L. HAMILTON**

X **JAN 07 2011**

Agent Addressee
 Yes
 No

D. Is delivery address different from item 1? Yes
 No
MERRILL BONDING COMPANY