

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

**FILED**

NOV 07 2011

INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. )

DOAK, Insurance Commissioner, )

Petitioner, )

vs. )

EUGENE PHILLIPS, a licensed bail bondsman in )

the State of Oklahoma, )

AND )

SAFETY NATIONAL INSURANCE COMPANY, )

a licensed insurance company in the State of )

Oklahoma, )

Respondents.

CASE NO. 11-1045-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. §§ 101-7004 and the Oklahoma Bail Bond Act 59 O. S. §§ 1301-1340.

2. Respondent Eugene Phillips ("Phillips") is a licensed bail bondsman in the State of Oklahoma holding license number 40036559.

3. Respondent Safety National Casualty Corporation ("Safety National") is an admitted insurer in the State of Oklahoma authorized to act as a bail surety company and holding NAIC Number 15105.

## FINDINGS

1. On or about December 7, 2010, an appearance bond was executed as follows:

|                  |                                      |
|------------------|--------------------------------------|
| Defendant:       | Tiwan Gilbreath                      |
| Case Number(s):  | CF-2007-7075                         |
| City/County:     | Oklahoma County                      |
| Surety:          | Safety National Casualty Corporation |
| Bondsman:        | Eugene Phillips                      |
| Power Number(s): | SS-1953829                           |
| Bond Amount(s):  | \$4,000.00                           |

2. On January 4, 2011, the defendant failed to appear in each case, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued in the case by the district court on January 4, 2011, and filed in each case. A true and correct copy of each Order and Judgment of Forfeiture was mailed to Respondents with return receipts requested within thirty (30) days after the forfeiture.

3. Safety National received a copy of the Order and Judgment of Forfeiture on February 7, 2011.

4. There is no record of Phillips' receipt of the Order and Judgment of Forfeiture. However, the Order and Judgment of Forfeiture was timely mailed to Phillips by the court clerk.

5. The ninety-first (91<sup>st</sup>) day after receipt of the Orders and Judgments of Forfeiture by Safety National was May 9, 2011. The Defendant was not returned to custody within ninety (90) days of receipt of the Orders and Judgments of Forfeiture.

## CONCLUSIONS OF LAW

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 remit payment in the face amounts

of the bond forfeitures within ninety-one (91) days from receipt of the Orders and Judgments of Forfeiture.

**ORDER**

**IT IS THEREFORE ORDERED that Respondents are each fined One Eight Hundred Dollars (\$800.00).**

Respondents are further notified that they 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 Natasha M. Scott, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> 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, this Order shall become a FINAL ORDER on the 31<sup>st</sup> day following the receipt of the Order, the face amount of the forfeited bail bonds shall be paid to the court clerk, and the fines ordered herein shall be due.**

WITNESS My Hand and Official Seal this 17<sup>th</sup> day of November, 2011.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Natasha M. Scott", is written over a horizontal line.

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

**CERTIFICATE OF SERVICE**

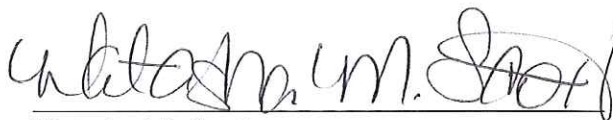
I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to Be Heard* was mailed certified, return receipt requested, on this 14<sup>th</sup> day of November, 2011, to:

Eugene Phillips  
11140 Stratford Dr., Apt. 502  
Oklahoma City, OK 73120-7246

**CERTIFIED MAIL NO:**  
7008 1830 0003 9411 6708

Safety National Casualty Corporation  
1832 Schuetz Rd.  
St. Louis, MO 63146-3540

**CERTIFIED MAIL NO:**  
7008 1830 0003 9411 6715



Natasha M. Scott

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Sent To  
 Street, Apt. No., or PO Box No.  
 City, State, ZIP+4

**Eugene Phillips**  
 11140 Stratford Dr., Apt. 502  
 Oklahoma City, OK 73120-7246  
 11-1045-DIS/NMS(mt)Cond.Ord.

PS Form 3800, August 2006 See Reverse for Instructions

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 Total Postage & Fees



Sent To  
 Street, Apt. No., or PO Box No.  
 City, State, ZIP+4

**Safety National Casualty Corp.**  
 1832 Schuetz Rd  
 St. Louis, MO 63146-3540  
 11-1045-DIS/NMS(mt)Cond.Ord.

PS Form 3800, August 2006 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:

Eugene Phillips  
 11140 Stratford Dr., Apt. 502  
 Oklahoma City, OK 73120-7246

TT-1045-DIS/NMS(mt)Cond.Ord.

2. Article Number  
(Transfer from service label)

7008 1830 0003 9411 6708

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Eugene Phillips*

- Agent  
 Addressee

B. Received by (Printed Name)

*Eugene Phillips*

C. Date of Delivery

*11-22-11*

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



RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT

NOV 28 2011

3. Service Type

Legal Division

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

4. Restricted Delivery? (Extra Fee)

Yes

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:

Safety National Casualty Corp.  
 1832 Schuetz Rd  
 St. Louis, MO 63146-3540

11-1045-DIS/NMS(mt)Cond.Ord.

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Chris Meis*

- Agent
- Addressee

B. Received by (Printed Name)

*Christine Meis*

C. Date of Delivery

D. Is delivery address different from Item 1?  Yes

YES, enter delivery address below:  No

OKLAHOMA INSURANCE DEPARTMENT  
 RECEIVED  
 NOV 15 2011

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

(Transfer from service label)

7008 1830 0003 9411 6715

Above for Oklahoma Insurance Department use only

NOTICE OF NON-PAYMENT OF BOND FORFEITURE

Date SEPTEMBER 26, 2011

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

RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT  
SEP 27 2011  
MAILROOM

Re: State of Oklahoma vs. TIWAN GILBREATH

OKLAHOMA COUNTY

Case Number CF-2007-7075

To Whom It May Concern:

Pursuant to 59 O.S. §1332, we are formally notifying your office that the bondsman, EUGENE PHILLIPS (#40036559), and his/her surety SAFETY NATIONAL CASUALTY CORPORATION, have failed to pay the forfeiture in the above captioned case in the amount of \$ 4,000.00 regarding Power Number S5-1953829 (if applicable) which was forfeited by the District Court on THE 4<sup>TH</sup> DAY OF JANUARY 2011. The statutory 91st day from receipt of notice/ mailing would have occurred 9<sup>TH</sup> DAY OF MAY 2011. The bond was executed on 7<sup>TH</sup> DAY OF DECEMBER 2010.

Attached you will find a certified copy of the Order and Judgment of Forfeiture, which was mailed on 31<sup>ST</sup> DAY OF JANUARY 2011 and proof of mailing to the bondsman, which was received by the bondsman on NEVER RECEIVED RECEIPT FOR CERTIFIED MAIL FROM BONDSMAN and, if applicable, his/her surety, which was received on by the surety on THE 7<sup>TH</sup> DAY OF FEBRUARY 2011 as required by law.

Submitted by:

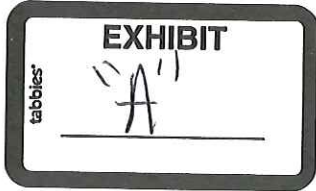
PATRICIA PRESLEY District Court Clerk

OKLAHOMA Oklahoma County, Oklahoma (Seal)

By [Signature] (Position)  
DEPUTY COURT CLERK; DEPARTMENT HEAD OF BOND FORFEITURE  
Telephone number - ( 405 ) 713-1726

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 forfeiture. Thank you.

(Rev 08/01/2011)



RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT  
SEP 28 2011  
Agent Licensing Division





0

COMPANY The Go To Man

DOB 08-13-90  
LIC.# 40036559

APPEARANCE BOND

STATE OF OKLAHOMA, OKLAHOMA COUNTY, ss Case No. CF07007075

BE IT REMEMBERED, that on the 7th day of December, 2010  
undersigned Tiwan Gilbert as principal, and the  
Eugene Phillips and SNCC, as sureties appeared  
personally before the undersigned authority and jointly and severally acknowledged themselves to be indebted to the  
State of Oklahoma in the sum of Four Thousand DOLLARS  
(\$ 4,000), to be made and levied on the respective goods, chattels, lands, tenements, cash deposit and/or  
escrow deposit, to be void, however, if the said defendant, who has been committed to the county jail of Oklahoma  
County, State of Oklahoma, shall personally be and appear before the District Court of said County on the  
14th day of December 2010, at 1:30 o'clock P M. before Judge Hall  
of said day, and from term, and from day to day of each term, to answer a charge preferred against him for the offense  
of FTA/V.S.S.

and to receive what shall be enjoined by said Court upon him, and shall not depart the said Court without leave.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Defendant Tiwan Gilbert Address 6926 NE 50th OKC OK 73105  
Surety SNCC Address 1832 Schuyler Rd Shawnee MO 63146  
Bondsman Eugene Phillips Address 1114 1st Street Dr S02 OKC 73120

TAKEN, SUBSCRIBED AND ACKNOWLEDGED, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_, District Court Clerk By, Deputy \_\_\_\_\_ Deputy

This undertaking approved this 14th day of December, 2010  
**ADMINISTRATIVE ORDER AD7-97-10** Clerk  
Deputy

AFFIDAVIT AS TO UNDERTAKING OKLAHOMA COUNTY, OKLA.

STATE OF OKLAHOMA, OKLAHOMA COUNTY, ss: Eugene Phillips being first duly sworn upon oath, SAYING THAT SHE IS CLERK OF OKLAHOMA  
County, State of Oklahoma and that by PATRICIA PRESLEY DEPUTY

DEC 10 2010

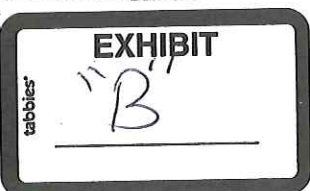
- (a) Neither he nor anyone for his use has promised or has received any security or consideration for making this undertaking.
- (b) He has received or has been promised the sum of \$ 400 from Ref as consideration for making this undertaking.
- (c) He has received the following described property or instrument from NA as security for making this undertaking: NA

I, PATRICIA PRESLEY, Court Clerk for Oklahoma County, Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out & appears of record in the District Court Clerk's Office of Oklahoma County, Okla., this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By [Signature] Deputy

[Signature]  
Bondsman

Notary Public - Court Clerk

My Commission expires \_\_\_\_\_  
(Sec. 1322, Title 59, O.S.A.)





# POWER OF ATTORNEY

**SAFETY NATIONAL CASUALTY CORPORATION**

1832 Schuetz Road  
St. Louis, MO 63146  
(314) 995-5300

**POWER NO. 55-1953829**

**POWER AMOUNT \$ 5,000.00**

KNOW ALL MEN BY THESE PRESENTS that the Safety National Casualty Corporation, an insurance company duly organized and existing under the laws of the State of Missouri and by the authority of the resolution adopted by the Board of Directors by unanimous written consent on January 29, 1999, which said Resolution has not been amended or rescinded, does constitute and appoint and by these presents does make, constitute and appoint the named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

This Power of Attorney is for use with Bail Bonds only. Not valid if used in connection with Federal or Immigration Bonds. This power void if altered or erased, void if used with other powers of this company or in combination with powers from any other surety company, void if used to furnish bail in excess of the stated face amount of this power, and can only be used once.

The obligation of the company shall not exceed the sum of five thousand dollars and provided this Power-of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power-of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, THE SAFETY NATIONAL CASUALTY CORPORATION has caused these presents to be signed by its duly authorized officer, proper for the purpose and its corporate seal to be hereunto affixed this 7<sup>th</sup> DAY of December 2010 MONTH YEAR

Bond Amount \$ 4,000 Premium \$ 400

Defendant Tiwan Guelbreath

Charges FTA / VSP

Court District

Case No. CF 07007075

City Oklahoma State OK

Rewrite, original No. \_\_\_\_\_

Executing Agent [Signature] NAME



BY [Signature] Jeffrey W. Otto, Secretary

VOID IF NOT ISSUED BY: 10/31/2011

**FOR STATE USE ONLY**  
**NOT VALID IF USED IN FEDERAL COURT**

COPY FOR COURT

BB-23A (08/09)

547611



STRICT COURT OF OKLAHOMA COUNTY, STATE OF OKLAHOMA

THE STATE OF OKLAHOMA  
PLAINTIFF,

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

VS.

JAN 31 2011

CASE NO. CF-2007-7075

TIWAN GILBREATH,  
DEFENDANT

PATRICIA PRESLEY, COURT CLERK  
by [Signature]  
DEPUTY

ORDER AND JUDGMENT OF FORFEITURE

On the 4TH day of JANUARY 2011, the above cause came on for hearing, according to regular assignment of the docket of this Court.

THE COURT FINDS that the above named defendant having heretofore been charged with the crime of VIOLATION OF SUSPENDED SENTENCE, committed to bail in the amount of \$4,000.00 was released on Appearance bond executed by EUGENE PHILLIPS as bondsman and SAFETY NATIONAL as surety, power as S5-1953829 (if applicable) his insurer; said bond conditioned as provided by law for the appearance of said defendant before this court as required, and the Court having ordered said defendant to appear on the 4TH day of JANUARY 2011, and said defendant, being called three times in open court without sufficient excuse, failed to appear before the Court as ordered.

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 defendant and said 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 insurer. The bondsman is hereby directed to deposit with the Court Clerk, the face amount of the said forfeited bond, to wit: \$4,000.00 such deposit to be made within 91 days from receipt of this Order and Judgment of Forfeiture, or the mailing of the notice if no receipt is made.

[Signature]

JUDGE OF THE DISTRICT COURT  
JUDGE GLENN M. JONES

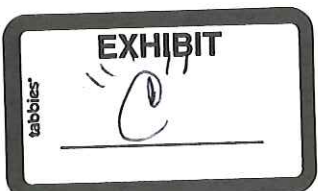
CERTIFICATE OF MAILING

I certify that I mailed a true and correct copy of this instrument to the above named bondsman, and, if applicable, his insurer to the last known address of each, by certified mail with return receipt requested this 27 day of Jan, 2011.

PATRICIA PRESLEY, COURT CLERK

BY: [Signature]

I, PATRICIA PRESLEY, Court Clerk for Oklahoma County, Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as subscribers of record in the District Court Clerk's office of Oklahoma County, Okla., this 27 day of Jan, 2011.  
By [Signature] PATRICIA PRESLEY, Court Clerk  
Deputy



RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT

SEP 28 2011

Agent Licensing Division

DELTA 9465 2000 0291 0102

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 Certified Fee  
 Return Receipt Fee (Endorsement Required)  
 Restricted Delivery Fee (Endorsement Required)  
 Total

Sent by PATRICIA PHELPS COURT CLERK  
 Here  
 DEPUTY

11140 STRATFORD DR APT 502  
 OKC, OK 73120-7246

PS Form 3811, August 2004 Instructions

DELTA 9465 2000 0291 0102

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**OKLAHOMA COUNTY, OKLA.**

Postage \$ JAN 31 2011  
 Certified Fee  
 Return Receipt Fee (Endorsement Required)  
 Restricted Delivery Fee (Endorsement Required)  
 Total Postage & Fees

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 Here  
 DEPUTY

1832 SCHUETZ RD.  
 ST. LOUIS, MO 63146-3540

PS Form 3811, February 2004 Instructions

**Why Are You Receiving This Message?**

1. Event information may not be available if your item was mailed recently. Please try again later.

2. The number was entered incorrectly. Be sure to enter all of the letters and numbers as they appear on your mailing label or receipt.

**Search Results**

Label/Receipt Number: 7010 1670 0002 5946 4130

There is no record of this item.

**Track & Confirm**



USPS - Track & Confirm

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

MAR 31 2011

PATRICIA PHELPS COURT CLERK  
DEPUTY  
CF-07-7075  
T. Gilbreath

2. Article Number 7010 1670 0002 5946 4147  
 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

T. Gilbreath

CF-07-7075

1 SAFETY NATIONAL CAS CO  
 1832 SCHUETZ RD.  
 ST. LOUIS, MO 63146-3540

**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 return number.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  X  
 B. Restricted by (Printed Name) Patricia Phelps  
 C. Is delivery address different from item 1?  No  Yes  
 D. If yes, enter delivery address below:  
 FILED IN THE DISTRICT COURT  
 OKLAHOMA COUNTY, OKLA.

3. Service Type FEB 10 2011  
 Certified Mail  Express Mail  
 Registered Mail  Return Receipt for Merchandise  
 Insured Mail  Signature Required  Signature Confirmation  
 4. Restricted Delivery (2/27/04)  No  Yes

CF-11

