

FILED

DEC 30 2011

INSURANCE COMMISSIONER
OKLAHOMA

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

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
Petitioner,)
vs.)
))
PHILLIP EGGENBERG, a licensed bail)
bondsman in the State of Oklahoma,)
))
AND)
))
SENECA INSURANCE COMPANY, a licensed)
insurance company in the State of Oklahoma,)
Respondents.)

CASE NO. 11-1186-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 Phillip Eggenberg (“Eggenberg”) is a licensed bail bondsman in the State of Oklahoma holding license number 199952.
3. Respondent Seneca Insurance Company (“Seneca”) is a licensed insurance company in the State of Oklahoma holding license number 10936.

FINDINGS

1. On or about March 18, 2011, an appearance bond was executed as follows:

Defendant:	Heath Earl Stringer
Case Number(s):	CM-2011-125
City/County:	Love County
Surety:	Seneca Insurance Company
Bondsman:	Phillip Eggenberg
Power Number(s):	S05-01677236
Bond Amount(s):	\$800

2. On July 15, 2011, the Defendant failed to appear, and the bond was declared forfeited.

An Order and Judgment of Forfeiture was issued by the court on July 18, 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. Eggenberg received a copy of the Order and Judgment of Forfeiture on August 31, 2011.

4. Seneca received a copy of the Order and Judgment of Forfeiture on July 25, 2011.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was November 30, 2011. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture.

6. As of the date of this Conditional Order, the forfeited bail bond remains unpaid.

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 amount of the bond forfeiture within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture.

ORDER

IT IS THEREFORE ORDERED that Phillip Eggenberg and Seneca Insurance Company are each fined Two Hundred Fifty Dollars (\$250.00).


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 Michael P. Copeland, 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, this Order shall become a FINAL ORDER on the 31st day following the receipt of the Order, the face amount of the forfeited bail bond shall be deposited with the Love County Court Clerk, and the fines ordered herein shall be due.

WITNESS My Hand and Official Seal this 21 day of December, 2011.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


Michael P. Copeland
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 *Conditional Administrative Order and Notice of Right to Be Heard* was mailed certified, return receipt requested, on this 30 day of December, 2011, to:

Phillip Eggenberg
220 Lake Murray Drive
Ardmore, OK 73401

Seneca Insurance Company
160 Water Street – 16th Floor
New York, NY 10038



Michael P. Copeland

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:

Phillip Eggenberg
 220 Lake Murray Drive
 Ardmore, OK. 73401
 11-1184 Cond Admin

2. Article Number

(Transfer from service label)

7001 0320 0004 2106 4994

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

PH-EGGEN

Agent

Addressee

B. Received by (Printed Name)

P. Eggenberg

C. Date of Delivery

12-31-11

D. Is delivery address different from item 1? Yes

If YES, provide delivery address below: No

OKLAHOMA INSURANCE DEPARTMENT

JAN 04 2012

3. Service type

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4. Restricted Delivery? (Extra Fee)

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Phillip Eggenberg
 220 Lake Murray Drive
 Ardmore, OK. 73401
 11-1184 Cond. Admin

PS Form 3800, January 2001

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Sent To *Seneca Insurance Company*
 Street, Apt. No., or PO Box No. *160 Water Street-16th Floor*
 City, State, ZIP+4 *New York, NY. 10038*
KH11-186 Cond. Admin

PS Form 3800, January 2001 See Reverse for Instructions

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