

DEC 3 0 2011

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

INSURANCE COMMISSIONER OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)	
DOAK, Insurance Commissioner,)	
Petitioner,)	
vs.)	
)	
PHILLIP EGGENBERG, a licensed bail)	
bondsman in the State of Oklahoma,)	CASE NO. 11-1186-DIS
)	
AND)	
)	
SENECA INSURANCE COMPANY, a licensed)	
insurance company in the State of Oklahoma,)	
Respondents.)	

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

- 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
 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.

- 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.

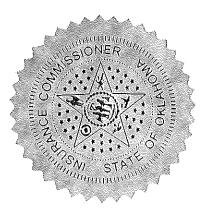
ORDER

IT IS THEREFORE ORDERED that Phillip Eggenberg and Seneca Insurance Company are <u>each</u> 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 2 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

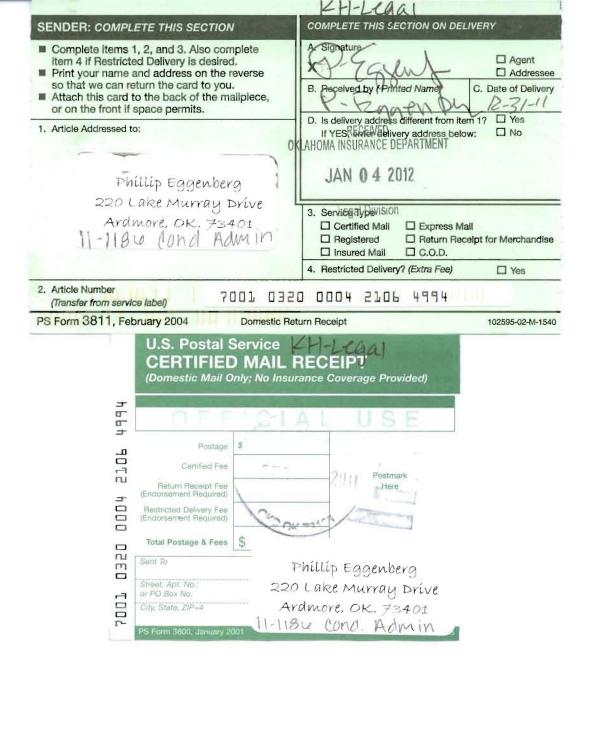
CERTIFICATE OF SERVICE

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



English

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