

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

FILED

MAY 12 2011

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
 Petitioner,)
vs.)
JAMES MANUEL, a licensed bail bondsman in)
the State of Oklahoma,)
)
AND)
)
U.S. FIRE INSURANCE COMPANY, a licensed)
insurance company in the State of Oklahoma,)
 Respondents.)
)

CASE NO. 11-0210-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 James Manuel ("Manuel") is a licensed bail bondsman in the State of Oklahoma holding license number 200341.
3. Respondent U.S. Fire Insurance Company ("U.S. Fire") is an admitted insurer in the State of Oklahoma authorized to act as a bail surety company and holding NAIC Number 21113.

FINDINGS

1. On or about August 5, 2010, an appearance bond was executed as follows:

Defendant:	Penny Langley
Case Number(s):	CM-10-1080
City/County:	Payne County
Surety:	U.S. Fire Insurance Company
Bondsman:	James Manuel
Power Number(s):	U15-20278671
Bond Amount(s):	\$2,500.00

2. On October 26, 2010, the Defendant failed to appear, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued by the district court on October 26, 2010 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. Manuel received a copy of the Order and Judgment of Forfeiture on October 27, 2010.

4. The copy of the Order and Judgment of Forfeiture mailed to U.S. Fire was returned to the district court marked "Insufficient Address."

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Manuel was January 26, 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 James Manuel and U.S. Fire Insurance Company are each fined Five Hundred Dollars (\$500.00).

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 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 Payne County Court Clerk, and the fines ordered herein shall be due.

WITNESS My Hand and Official Seal this 22nd 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 *Conditional Administrative Order and Notice of Right to Be Heard* was mailed certified, return receipt requested, on this 12th day of May, 2011, to:

James Manuel
1209 S. Main
Stillwater, OK 74074-3526

U.S. Fire Insurance Company
ATTN: Fred Bustamante
P.O. Box 2807
Houston, TX 77042


Natasha M. Scott

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

7001 0320 0004 2106 2266

OFFICIAL USE

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



Sent To: James Manuel, Jr.
 1209 S. Main
 Stillwater, Ok 74074-3526
 sms/11-0210-DIS/Cond. Ord.

PS Form 3800, January 2004 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>X. Hatcher</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>Hatcher</i></p> <p>C. Date of Delivery <i>5/16/11</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px;"> <p>James Manuel, Jr. 1209 S. Main Stillwater, Ok 74074-3526 sms/11-0210-DIS/Cond. Ord.</p> </div>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7001 0320 0004 2106 2266</p>

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 envelope, or on the front if space permits.

1. Article Addressed to:

MAY 25 2011
U.S. fire Insurance Company
Attn: Fred Bustamante
P.O. Box 2807
Houston, TX 77042
sms/11-0210-DIS/Cond. Ord.

2. Article Number
(Transfer from service label)

7001 0320 0004 2106 2259

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X **Cindy Hernandez** Agent
 Addressee

B. Restricted Delivery **Cindy Hernandez** C. Date of Delivery **5/16**

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

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

4. Restricted Delivery? (Extra Fee) Yes

NOTICE OF NON-PAYMENT OF BOND FORFEITURE

IN THE DISTRICT COURT OF
Payne, County, Oklahoma
FILED

FEB 07 2011

LISA S. LAMBERT, Court Clerk
By _____ Deputy

Date 2/7/11

Atten: Legal Division
Oklahoma Insurance Department
P.O. Box 53408
Oklahoma City, Oklahoma 73152-3408

Re: State of Oklahoma vs. Penny Langley
PAYNE COUNTY

Case Number cm. 10. 1080 cv. 10. 44

To Whom It May Concern:

Pursuant to 59 O.S. §1332, we are formally notifying your office that the bondsman, James Manuel, and his/her surety, W Fire Insur. have failed to pay the forfeiture in the above captioned case in the amount of \$ 2500- regarding Power Number 01520278671 (if applicable) which was forfeited by the District Court on 10/28/10 (date). The statutory 91st day from receipt of notice/ mailing would have occurred 1/28/11 (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:

Lisa S Lambert District Court Clerk
Payne County Oklahoma
By [Signature] (Position)
Telephone number - (405) 372 4774

RECEIVED BY
AGENT LICENSING

FEB 10 2011

OKLAHOMA
INSURANCE DEPARTMENT

EXHIBIT
tabbles
"A"

(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 forfeiture. Thank you.

cert copy of docket sheet, appearance bond, order/forfeiture, proof of mailing to bondsman & unclaimed mail of surety attached.



S.A. & I. 408

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

Plaintiff,

VS.

Penny Langley
Defendant.

No. NF-2010-614

LIST OF LAWYERS, Court Clerk
Deputy

IN THE DISTRICT COURT OF
Payne County, Oklahoma
FILED
AUG 10 2010

APPEARANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

We the above-named defendant, as principal, and the undersigned, James Manuel @ United States Fire Insurance Company as surety (ies) personally appeared before the undersigned authority and jointly and severally acknowledged ourselves to be indebted to the State of Oklahoma in the sum of Two thousand five hundred Dollars (\$2500) good and lawful money of the United States, to which payment well and truly to be made we bind ourselves, our assigns, heirs, executors and administrators jointly and severally, firmly by these presents.

The conditions of this bond are such that, if the above-named defendant, who has been committed to the county jail of Payne, County, State of Oklahoma, shall personally appear before the District Court of said County on the 9 day of Aug, 2010, at 1:30 o'clock P.m. of said day, and from term to term, and from day to day of each term, to answer a charge preferred against him/her for the offense of LOSS OF FOODS, PETIT LARC

and shall not depart the said court without leave and shall obey any order issued by said court, then this bond shall be void, otherwise, this bond shall remain in full force and effect.

Witness our hands this 5 day of Aug, 2010

Penny Langley
Principal

2001 S. Perkins #C
Address STILLWATER, OK 74075

James Manuel
Principal

1209 S. MAIN STILLWATER OK
Address

United States Fire Insurance Company
Surety

Po box 2807 Houston TX 77042
Address

Taken subscribed and acknowledged this 5 day of Aug, 2010

R.B. HAUF, PAYNE COUNTY SHERIFF
By: [Signature]
Deputy

This undertaking approved this 10 day of Aug, 2010.

Lisa S. Lambert, PAYNE COUNTY Court Clerk

By: Rhonda Bagwell
Deputy

Clk of Oklahoma
County of Payne
I, Lisa S. Lambert, Court Clerk, in and for Payne County, Ok,
do hereby certify that the above and foregoing is a true and
correct copy of the original filed in my office and of record
in my office as Sheriff, Ok. In testimony hereof I have
hereby set my hand and affixed my official seal
this 10 day of Aug, 2010
Lisa S. Lambert, Court Clerk



[Signature]

AFFIDAVIT AS TO UNDERTAKING

STATE OF OKLAHOMA, COUNTY OF PAYNE, SS.

The undersigned being the first duly sworn upon oath says that he is a resident TULSA of County, State of Oklahoma and that neither he nor anyone for his use has received or been promised any security or consideration for making this undertaking, except as hereinafter specified under one or more of the following, to-wit:

- a.) Consideration for this undertaking received or promised in the sum of \$ 250
- b.) Other security received or promised for making this undertaking is as follows:

c.) Such promise, security, or consideration was received from Penny Langley 2001 S. PERKINS #C STILLWATER, OK 74075
 (Name & Address)

I understand that any willful misstatement relating to the security or consideration promised or given shall make me liable to the same prosecution and penalty as one who commits perjury.

James Manuel

1209 S. MAIN STILLWATER OK

Principal

Address

Subscribed and sworn to before me this 5 day of AUG, 2010.

R.B. HAUF, PAYNE COUNTY SHERIFF

By: [Signature]
Deputy

United States Fire Insurance Company
10350 Richmond Ave., Suite 300, Houston, TX 77042
P.O. Box 2807 • Houston, Texas 77262-2807
(713) 954-0100 (713) 954-8399 FAX

POWER OF ATTORNEY

POWER NO. *****U15 -20278671*****

POWER AMOUNT \$ ***** 15,000*****

This Power of Attorney is granted pursuant to Article IV of the By-Laws of UNITED STATES FIRE INSURANCE COMPANY as now in full force and effect. Article IV, Execution of Instruments- Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice-President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation: (a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements; (b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation. 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 Bonds 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 *****FIFTEEN 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 UNITED STATES FIRE INSURANCE COMPANY 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 5 of Aug 2010
DAY MONTH YEAR

Bond Amount \$ 2500

Defendant Penny Langley

Charges BSSOFCDS, Peril Case

Court PAYNE

Case No. _____

City _____ State _____

If rewrite, original No. _____

Executing agent [Signature]
NAME



By: [Signature]
Robert Crawford
Vice President

VOID IF NOT ISSUED BY: **01/01/2011**

FOR STATE USE ONLY
NOT VALID IF USED IN FEDERAL COURT

COPY FOR COURT

IN THE DISTRICT COURT OF PAYNE COUNTY, STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,

Plaintiff,

vs.

PENNY LEE LANGLEY,

Defendant.

)
)
)

No. CM-10-1080



OCT 26 2010

FILED
By: LISA S. LAMBERT, Court Clerk
Deputy

ORDER AND JUDGMENT OF FORFEITURE

On this 26th day of October, 2010, the above cause comes on for hearing, pursuant to regular assignment.

The court finds that the above-named defendant, having been charged in this case, and having been committed to bail in the amount of \$2,500.00, and having been on an appearance bond executed by James Manuel, a licensed bondsman, and U. S. Fire Insurance Company, the 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 7th day of October, 2010, and said defendant 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 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 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 Court Clerk of this Court.

IT IS FURTHER ORDERED that the Court Clerk shall immediately mail a copy of this order and judgment of forfeiture to the bondsman and his insurer. The bondsman is hereby directed to deposit with the Court Clerk, the same amount of said forfeited bond above set forth. Such deposit to be made within ninety-one (91) days from receipt of this order and judgment of forfeiture, or the mailing of the notice if no receipt is made.

James L. Worthington
JUDGE OF THE DISTRICT COURT

CERTIFICATE OF MAILING

I hereby certify that I mailed a true and correct copy of the above instrument to the bondsman and insurer named therein by certified mail, return receipt requested, this 26th day of October, 2010.

Lisa S. Lambert
COURT CLERK/DEPUTY

Certified Mail Nos. 7160 3901 9846 2939 1705 AND 1712

State of Oklahoma
County of Payne
I, Lisa S. Lambert, Court Clerk, do hereby certify that the above and foregoing is a true and correct copy of the original instrument now on file and of record in my office at Stillwater, OK. In testimony whereof I have hereunto set my hand and affixed my official seal this 26th day of October, 2010.
LISA S. LAMBERT, Court Clerk



Lisa S. Lambert



THIS SECTION ON DELIVER TOP OF ENVELOPE

A. Received by (Please Print Clearly) **A Tyler** B. Date of Delivery **10-27-10**

C. Signature **A Tyler**

D. Is delivery address different from item 1? Yes, enter delivery address below:
IN THE DISTRICT COURT OF Payne County, Oklahoma
FILED
OCT 28 2010

Agent
 Addressee:
 Yes
 No

7160 3901 9846 2939 170

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

By: **LISA S. LAMBERT, Court Clerk**



cm-10-1080
Langley

Domestic Return Receipt

PS Form 3811, January 2005



State of Oklahoma
County of Payne
I, **Lisa S. Lambert, Court Clerk**, in and for Payne County, OK,
do hereby certify that the above and heregoing is a true and
correct copy of the original instrument now on file and on record
in my office at Stillwater, OK. In testimony hereof I have
hereunto set my hand and official seal this 7th day of Feb, 2011.

LISA S. LAMBERT, Court Clerk



Lisa S. Lambert
Payne County Court Clerk
Payne County Courthouse, Room 206
606 South Husband Street
Stillwater, Oklahoma 74074-4044

RETURN RECEIPT
REQUESTED

72160 390J 9846 2939 1712
RETURN RECEIPT REQUESTED



CM-10-1080
US Fire Insurance Company
P O Box 2807
Houston TX 77042

1013914422*

74074@4078

NIXTE 779 DE 4 00 10/29/10
RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

EC: 74074407899 *1799-06386-29-18

|||||

By: Lisa S. Lambert Court Clerk
Lep: _____

NOV 01 2010



State of Oklahoma
County of Payne
I, Lisa S. Lambert, Court Clerk, in and for Payne County, Ok
do hereby certify that the above and foregoing is a true an
correct copy of the original instrument now on file and of rec
in my office at Stillwater, Ok. In testimony hereof I hav
signature and official seal
2010

7 Feb
Lisa S. Lambert
Court Clerk

C1