

**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. 11-0296-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 May 6, 2010, an appearance bond was executed as follows:

Defendant:	Frank Valencia
Case Number(s):	CM-07-927
City/County:	Payne County
Surety:	U.S. Fire Insurance Company
Bondsman:	James Manuel
Power Number(s):	U3-20267007
Bond Amount(s):	\$500.00

2. On November 23, 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 November 23, 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. U.S. Fire received a copy of the Order and Judgment of Forfeiture on November 29, 2010.

4. Manuel received a copy of the Order and Judgment of Forfeiture on November 24, 2010.

5. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture by Manuel was February 23, 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 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 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 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 12<sup>th</sup> day of May, 2011.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in blue ink that reads "Natasha M. Scott".

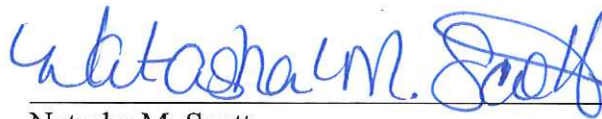
Natasha M. Scott  
Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 521-2746  
Fax (405) 521-0125

**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 27th 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 2297

OFFICIAL USE

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



Total Postage: \_\_\_\_\_

Sent To: \_\_\_\_\_

Street, Apt. 1 or PO Box N: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

James Manuel, Jr.  
 1209 S. Main  
 Stillwater, Ok 74074-3526  
 sms/11-0296-DIS/Cond. Ord.

PS Form 3800, January 2001 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: \_\_\_\_\_

James Manuel, Jr.  
 1209 S. Main  
 Stillwater, Ok 74074-3526  
 sms/11-0296-DIS/Cond. Ord.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
 X K. Hatcher

B. Received by (Printed Name) C. Date of Delivery  
 K. Hatcher 5/16/11

D. Is delivery address 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 2297

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

7001 0320 0004 2106 2303

OFFICIAL BUSINESS



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

**Total Postage**

Sent To  
 Street, Apt. # or PO Box No.  
 City, State, Zi

U.S. fire Insurance Company  
 Attn: Fred Bustamante  
 P.O. Box 2807  
 Houston, TX 77042  
 sms/11-0296-DIS/Cond. Ord.

PS Form 3800

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:

U.S. fire Insurance Company  
 Attn: Fred Bustamante  
 P.O. Box 2807  
 Houston, TX 77042  
 sms/11-0296-DIS/Cond. Ord.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X Cindy Hernandez  Agent  
 Addressee

B. Received by: Cindy Hernandez  
 C. Date of Delivery: 5/16

D. 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

2. Article Number  
 (Transfer from service label)

7001 0320 0004 2106 2303

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**NOTICE OF NON-PAYMENT OF BOND FORFEITURE**

Date 3/2/11

CV. 10-44

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

**RECEIVED BY  
AGENT LICENSING**

Re: State of Oklahoma vs. Frank Valencia

MAR 08 2011

PAYNE COUNTY

**OKLAHOMA  
INSURANCE DEPARTMENT**

Case Number CM-07-927

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, \_\_\_\_\_ have failed to pay the forfeiture in the above captioned case in the amount of \$ \_\_\_\_\_ regarding Power Number \_\_\_\_\_ (if applicable) which was forfeited by the District Court on \_\_\_\_\_ (date). The statutory 91<sup>st</sup> day from receipt of notice/ mailing would have occurred 2/28/11 (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**  
**Payne County Court Clerk**  
**Suite 206, Payne County Courthouse** District Court Clerk  
**606 S Husband Street**  
**Stillwater OK 74074**, Oklahoma

By [Signature] (Position)  
Court Clerk

Telephone number - ( 405 ) 372 4774

(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. \*

(Rev 02/2011)



\*Attached are certified copy of appearance docket, appearance bond, order of forfeiture, proof of mailing to the bondsman and the surety/professional and applicable motions/orders pertaining to the forfeiture.



S.A. & I. 408

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

Plaintiff,

VS.

Frank Valencia  
Defendant.

No. Am-07927

IN THE DISTRICT COURT OF  
PAYNE COUNTY, OKLAHOMA  
FILED  
MAY 06 2010  
By: Lisa S. Lambert, Court Clerk

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 Five Hundred Dollars (\$ 500 ) 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 6 day of MAY, 2010, at \_\_\_\_\_ o'clock \_\_\_\_\_ 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 DUI, no/US

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 6 day of MAY, 2010

Frank Manuel Valencia  
Principal

305 Appleway Stillwater OK 74074  
Address

JAMES MANUEL  
Principal

1209 S. MAIL STILLWATER OK  
Address

United States fire Insurance Company  
Surety

Po box 2807 Houston TX 77042  
Address

Taken subscribed and acknowledged this 6 day of MAY, 2010.

R.B. HAUF, PAYNE COUNTY SHERIFF

By: [Signature]  
Deputy

This undertaking approved this 6 day of May, 2010.

Lisa S. Lambert, PAYNE COUNTY Court Clerk

By: [Signature] Rhonda Bagwell  
Deputy



March 20 11  
day of \_\_\_\_\_  
Lisa S. Lambert, Court Clerk



**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 Payne 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 \$ 50
- b.) Other security received or promised for making this undertaking is as follows:

c.) Such promised security or consideration was received from:  
Frank Valencia 502 Arington Stillwater OK 74074  
 (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 \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**R.B.HAUF, PAYNE COUNTY SHERIFF**

By: \_\_\_\_\_  
Deputy

United States Fire Insurance Company  
10450 Richmond Ave., Suite 300, Houston, TX 77012  
P.O. Box 2807 - Houston, Texas 77259-2807  
(713) 954-0100 (713) 954-0369 FAX

**POWER OF ATTORNEY**

POWER NO. **\*\*\*U3 -20267007\*\*\***

POWER AMOUNT \$ **\*\*\* 3,000\*\*\***

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 **\*\*\*THREE 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 6 of MAY 2010  
DAY MONTH YEAR

Bond Amount \$ 500

Defendant FRANK VALENCIA

Charges DCS, NOTUS

Court PAYNE

Case No. CM-07-927

City \_\_\_\_\_ State \_\_\_\_\_

If rewrite, original No. \_\_\_\_\_

Executing agent James Manuel  
NAME



By: Richard J. Klimaszewski  
Richard J. Klimaszewski  
Vice President

VOID IF NOT ISSUED BY: 11/01/2010

**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.  
FRANK M VALENCIA,  
Defendant.

No. CM-07-927

IN THE DISTRICT COURT OF  
Payne County, Oklahoma  
**FILED**

NOV 23 2010

LISA S. LAMBERT, Court Clerk  
by: [Signature] Deputy



**ORDER AND JUDGMENT OF FORFEITURE**

On this 23rd day of November, 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 \$500.00, and having been on an appearance bond executed by James Manuel, a licensed bondsman, and United States 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 5th day of November, 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.

[Signature]  
JUDGE OF THE DISTRICT COURT

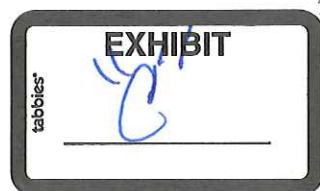
**CERTIFICATE OF MAILING**

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 23rd day of November, 2010.

[Signature]  
COURT CLERK/DEPUTY

Certified Mail Nos. 7160 3901 9846 2939 0586 and 0593

2010 Nov 23 11:00 AM  
LISA S. LAMBERT, Court Clerk  
I hereby certify that the above and foregoing is a true and correct copy of the original instrument and the same is filed in my office at Oklahoma City, Oklahoma, this 23rd day of November, 2010.  
by: [Signature] Court Clerk



[Signature]  
LISA S. LAMBERT, Court Clerk

RECEIVED NO NOTI

A. Received by (Please Print Clearly)

A Tyler

B. Date of Delivery

11-23-10

C. Signature

x A Tyler

Agent  
 Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

Yes  
 No



7160 3901 9846 2939 0586

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

CM-07-927 Valencia



IN THE DISTRICT COURT OF  
Payne County, Oklahoma  
FILED

NOV 29 2010

LISA S. LAMBERT, Court Clerk

Domestic Return Receipt  
Debby

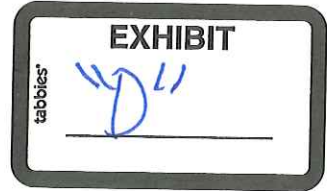
PS I



\* 1 0 1 4 0 1 7 5 0 0 \*

I, \_\_\_\_\_, Court Clerk in and for Payne County, Oklahoma, do hereby certify that the above described instrument is a true and correct copy of the original of the same now on file and record in my office at Waterbury, Oklahoma. Witness my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

L. Lambert  
Lisa S. Lambert, Court Clerk





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## Track & Confirm

### Search Results

Label/Receipt Number: **7160 3901 9846 2939 0586**  
Status: **Delivered**

Your item was delivered at 11:58 am on November 24, 2010 in STILLWATER, OK 74074. 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.

[Restore Offline Details >](#)



[Return to USPS.com Home >](#)

### Track & Confirm

Enter Label/Receipt Number. ....

[Go >](#)

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No FEAR Act EEO Data

FOIA



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United States Postal Service

2. Article Number

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

IN DELIVERY



9160 3901 9846 2939 0593

A. Recipient Name: **Cindy Hernandez**

B. Date of Delivery: **NOV 29 2010**

C. Signature: **Cindy Hernandez**

X  Agent  Addressee

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

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

*CM-07-927 Valencia*

IN THE DISTRICT COURT OF  
Payne County, Oklahoma  
**FILED**  
**DEC 07 2010**  
By: **LISA S. LAMBERT, Court Clerk**

PS Form



\* 1 0 1 4 0 1 7 7 7 4 \*

Domestic Return Receipt

State of Oklahoma  
County of Payne  
Lisa S. Lambert, Court Clerk in and for Payne County, Oklahoma  
I 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 11th day of December, 2010.  
Lisa S. Lambert, Court Clerk

*J. March*  
*[Signature]*