# BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK,	)	
Insurance Commissioner,	)	
Petitioner,	)	
VS.	)	CASE NO. 11-0744-DIS
	)	
STACY FRENCH, a licensed bail bondsman in the	)	Eu En
State of Oklahoma,	)	FILED
And	)	JUL 02 2011
2110		
SAFETY NATIONAL CASUALTY		INSURANCE COMMISSIONER OKLAHOMA
CORPORATION, an admitted insurance company		OKLAHOMA
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

- 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 Stacy French ("French") is a licensed bail bondsman in the State of Oklahoma holding license number 40087375.
- 3. Respondent Safety National Casualty Corporation ("Safety National") is an admitted insurance company in the State of Oklahoma holding NAIC number 15105.

#### **FINDINGS**

1. On or about January 13, 2011, an appearance bond was executed as follows:

Defendant: Trustin D. Lewis
Case Number(s): CR-2010-4119
City/County: Bethany Municipal
Bondsman: Stacy French

Surety: Safety National Casualty Corporation

Power Number(s): S5-1964283
Bond Amount(s): \$1666.00

- 2. On February 24, 2011, the Defendant failed to appear, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued by the Bethany Municipal Court on February 24, 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. French received a copy of the Order and Judgment of Forfeiture on March 5, 2011 as evidenced by the United States Postal Service electronic confirmation of delivery.
- Safety National received a copy of the Order and Judgment of Forfeiture on March 8,
   2011.
- 5. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture by French was June 4, 2011; however, that date occurred on a Saturday. Thus, the ninety-first (91<sup>st</sup>) day became Monday, June 6, 2011. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture, nor were sums due on the forfeiture deposited with the court clerk on the ninety-first (91<sup>st</sup>) day.
- 6. On June 7, 2011, the Bethany Municipal Court received check number 2957 from Johnson's Bail Bond Services, Inc. in the amount of \$1,666.00. Case number CR-2010-4119, the case in which the forfeiture occurred, is written on the check. The check was returned to the Bethany Municipal Court by the bank upon which it was drawn and marked "RETURN REASON A NOT

## SUFFICIENT FUNDS."

7. To date, the face amount of the forfeited bail bond remains unpaid.

#### CONCLUSIONS

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

#### ORDER

IT IS THEREFORE ORDERED that Respondents are <u>each</u> fined in the amount of Three Hundred Thirty Dollars (\$330.00).

Respondents are further notified that he may request a hearing within 30 days of the receipt of this Order concerning this action and upon such request the 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 be a FINAL ORDER on the 31<sup>st</sup> day following the receipt of the Order, and the fines ordered herein shall be due to the Oklahoma Insurance Department.

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

JOHN D. DOAK INSURANCE COMMISSIONER STATE OF OKLAHOMA



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 Order was mailed certified, return receipt requested on this \_\_\_\_\_\_\_\_, day of \_\_\_\_\_\_\_\_\_\_\_, 2011, to:

Stacy French 3101 N. Classen Blvd., Suite 217 Oklahoma City, OK 73118-3819

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

Natasha M. Scott



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> <li>Article Addressed to:</li> </ul>	A. Signature  X
Stacy French 3101 N. Classen Blvd., Suite 217, OKC, OK 73118-3819 sms/11-0745-DIS/Cond. Ord.	2011  3. Service Type Certified Mail
2. Article Number 7008 1	830 0003 9410 9137
PS Form 3811, February 2004 Domestic Ref	turn Receipt 102595-02-M-1540



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse</li> </ul>	A. Signature  X Sauce Agent  Addressee
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.	B. Receiped ( C. Date of Delivery
RECENTED.	D. Is delivery address different from Item 1?  Yes  RTMENTER. Properties of the prop
Safety National Casualty Corp.	AUG 5 - 2011
St. Louis, MO 63146-3540 sms/11-0744-DIS/Cond. Ord.	3. Service Type  Certified Mail Express Mail Registered Return Receipt for Merchandise C.O.D.
	4. Restricted Delivery? (Extra Fee)
2. Article Number (Transfer from service label) 7008 18	30 0003 9410 9144
PS Form 3811, February 2004 Domestic Retu	urn Recelpt 102595-02-M-1540

# NOTICE OF NON-PAYMENT OF BOND FORFEITURE

	OKLAHOMA INSURANCE OF THE
DateJuly 5-2011	JUL 0 7 2011
Attention: Licensing / Anna Oklahoma Insurance Department 3625 NW 56 <sup>th</sup> Street, Suite 100 Oklahoma City, Oklahoma 73112-4511	MAILROOM
Re: City of Bethany vs. Trustin D. Lewis Case Number CR2010-4119	
To Whom It May Concern:	
Pursuant to 59 O.S. §1332, we are formally notifying your Stacy French , and his/her surety, Safety National Casualty C have failed to pay the forfeiture in the above captioned case in th regarding Power Number S5-1964283 (if application the Municipal Court on 02-24-11 (date). The statutory 91s mailing would have occurred 06-07-11 (date).  Attached you will find a certified copy of the Order and Judgment of Foto the bondsman and, if applicable, his/her surety as required by law.  Submitted by:	e amount of \$1666.00 cable) which was forfeited by t day from receipt of notice/
Bethany Municipal Court Municipal C	ourt Clerk
	homa
By , Dept	uty Court Clerk
Telephone number - (405) 789-4935  (Seal)  Note - Please also attach certified copies of the docket sheet, appeattorney, and any Motions and Orders that pertain to the bail bond for	LAHOMA INSURPRISE DE PARTMENT
Note – Please also attach certified copies of the docket sheet, appeattorney, and any Motions and Orders that pertain to the bail bond for (Rev 02/2011)	earance bond with power of feiture. Thank you.

# STATE OF OKLAHOMA CITY OF BETHANY Citation No. 311340 Traffic The City of Bethany, Plaintiff, vs. Lic#40087315 Middle) Defendant Name: (Last First Time Amount of Bond Court Date Charge 0.000 D DUS. MSB NW. FTA The above stated Defendant appeared personally before the City Court of Bethany and acknowledged him/herself to be indebted to The City of Bethany in the dollar amount so stated above to be made and levied on their respective bonds, chattels, lands, tenements, cash deposit and/or escrow deposit: to be void, however, if the said Defendant shall personally appear before the Court at the time and date for the charge stated above and there remain from day to day, and term to term of the Court until discharged by due course of law. Defendant shall personally appear before the Court at any time or times and dates required by the Court and shall abide the order of the Court, and shall not depart without leave, and shall do and receive what shall be enjoined upon him by the Court. Witness our hand this Professional Taken, subscribed and acknowledged the day first written \*Attachment of Power attorney required Court Clerk/Deputy Court Clerk Affidavit As To Undertaking The City of Bethany, State of Oklahoma, §: of the State law as set forth in Title 59, Chapter 33 of the Oklahoma Statutes and that , being duly swom upon oath that he meets all the requirements (a) Neither he nor anyone for his use has been promised or has received any security or consideration for making this undertaking; (b) He has charged the sum of \$ 1(0) . 8 from \_ Ind 4 consideration for making this undertaking, (c) He has received the following described property or instrument from Zd + Def this undertaking: 5100 Yok has promised to secure him for making this undertaking; (d) Dane go C (e) If acting through an agent for a professional bondsman, the agent has been granted a power of attorney and authorized to write bonds on the professional bondsman's account.

Court Clerk/Deputy Court Clerk/Notary Public My commission expires

Subscribed and sworn to before me this

**EXHIBIT** 



#### POWER OF ATTORNEY

SAFETY NATIONAL CASUALTY CORPORATION 1832 Schwetz Road

1832 Schwerz Road St. Louis, MO 63146 (314) 995-5300 POWER NO. 55-1964283

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 is constitute and stead, to execute, deal and deliver for and on its behalf and as its act and deed, as surety, a ball bond only. Authority of such Attorney in-Fact is limited to appearance bonds and cannot be constituted to guarantee determines future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically telled 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 ball 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 F is the last of the court records. The said Attorney in 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.

Defendant Truston Femily

charges DUS, NSB, NV, PTA

Case No. 311340

Rewrite, original No.

Executing Agent

state Oc



BY Jeffrey, W. Otto, Secretary

VOID IF NOT ISSUED BY: 12/31/2011

FOR STATE USE ONLY
NOT VALID IF USED IN FEDERAL COURT

BB - 23A (08/09

# IN THE MUNICIPAL COURT OF THE CITY OF BETHANY, OKLAHOMA COUNTY, OKLAHOMA

CITY OF BETHANY

VS.

Case No. CR-2010-0004119

TRUSTIN D LEWIS

Defendant.

### ORDER AND JUDGMENT OF FORFEITURE

On February 24, 2011 @ 8:30 am , 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(s) of Driving under suspension. Failure to wear seatbelt/adult. No proof of insurance, Failure to appear, and having been committed to bail in the amount of 1666.00, was released on an Appearance Bond executed by Stacy French, a licensed bondsman, and Safety National Casualty Corporation, 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 February 24, 2011 @ 8:30 am, 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 the Order of 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: 1666.00. 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.

JUDGE OF THE MUNICIPAL COURT

#### 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 the 2nd of March, 2011.

COURT CLERK

Deputy

EXHIBIT

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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, and attach this card to the back of the mailplece, or on the front if space permits.  Article Addressed to:  Stacey French 1125 NW 104TH ST OKLAHOMA CITY OK 73114-500	A. Signature  X
2. Article Number (Transfer from service label) 7010 1016 PS Form 3811, February 2004 Domestic f	] 0000 2983 1918 Return Receipt 102595-02-M-154
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 mailplece, or on the front if space permits.  Article Addressed to:  Safety National Casualty Corporation 1832 Schuetz Rd St Louis, MO 63146	A. Signature  X. Agent Addressee  B. Received by (Printed Name)  D. Is delivery address different from item 17  If YES, enter delivery address below:  3. Service Type  Certified Mail Registered  Return Receipt for Merchandise Insured Mail C.O.D.
2. ArtIcle Number (Transfer from service label) 7010 106	4 Restricted Delivery? (Extra Fee) ☐ Yes ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
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IMPORTANT: Save this receipt and present it when making an inquiry. If a postmark on the Certified Mail receipt is desired, please present the arti-cle at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix tabel with postage and mail. Form 3800, August 2006 (Raverse) PSN 7530-02-000-9047

For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".

Important Reminders: For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS, postmark on your Certified Mail receipt is serified Mail Provides: NO INSURANCE COVERAGE IS PROVIDED with valuables, please consider Insured or Registered Mg/l. Certified Mail is not available for any class of international mail. Certified Mail may ONLY be combined with First-Class Maile or Priority Maile A record of delivery kept by the Postal Service for two years A unique identifier for your mailpiece A mailing receipt

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For an additional fee, delivery may be restricted to the addressee or iddressee's authorized agent. Advise the clerk or mark the mallplece with the andorsement "Restricted Delivery".

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\*ORTANT: Save this receipt and present it when making an inquiry. Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

UNITED STATES POSTAL SERVICE

All Andrew Andrew Mark

and ZIP+4 in this box Sender: Please print your name, address,

BETHANY MUNICIPAL COURT BETHANY, OK 73008 6714 NW 36



Track & Confirm

FAQs

## Track & Confirm

## Search Results

Label/Receipt Number: 7010 1060 0000 2983 1918 Status: Delivered

Your item was delivered at 2:54 pm on March 05, 2011 in OKLAHOMA CITY, OK 73114. 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.

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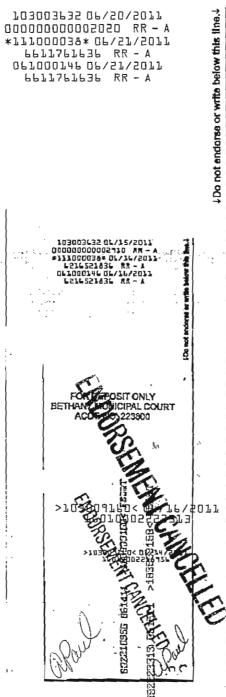
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EXHIBIT

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Page 1 of 1

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Cash bond				1666.00
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Check: 2957

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Jack A

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Payment Method: Check

Amount Tendered:

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Mary Jones, Court Administrator

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

Clerk: BGWALTNEY

Duplicate