

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

FILED
MAR 27 2012
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.
DOAK, Insurance Commissioner,

Petitioner,

vs.

EUGENE PHILLIPS, a licensed bail bondsman in
the State of Oklahoma,

AND

SAFETY NATIONAL CASUALTY
CORPORATION, a licensed insurance company
in the State of Oklahoma,

Respondents.

CASE NO. 12-0092-DIS
 12-0093-DIS
 12-0094-DIS

**FIRST AMENDED 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 Eugene Phillips ("Phillips") is a licensed bail bondsman in the State of Oklahoma holding license number 40036559.
3. Respondent Safety National Casualty Corporation ("Safety National") is a licensed insurance company in the State of Oklahoma holding license number 15105.

FINDINGS

12-0092-DIS

1. On or about February 7, 2011, an appearance bond was executed as follows:

Defendant:	Luv Waritha Nedio
Case Number(s):	CF-2011-1384
City/County:	Oklahoma County
Surety:	Safety National Casualty Corporation
Bondsman:	Eugene Phillips
Power Number(s):	S5-1967602
Bond Amount(s):	\$2,500

2. On August 3, 2011, the Defendant failed to appear, and the bond was declared forfeited.

An Order and Judgment of Forfeiture was issued by the court on August 25, 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. Phillips received a copy of the Order and Judgment of Forfeiture on September 15, 2011.

4. Safety National received a copy of the Order and Judgment of Forfeiture on August 29, 2011.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was December 15, 2011. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture.

6. On December 15, 2011, Phillips submitted check #1778 in the amount of Twelve Thousand Five Hundred Dollars (\$12,500) for payment of this forfeiture as well as the two forfeitures listed below. Check #1778 was returned to the Oklahoma County Court Clerk's office as insufficient on December 29, 2011.

7. On January 27, 2012, Phillips paid the face amount of the forfeited bond.

12-0093-DIS

8. On or about June 21, 2011, an appearance bond was executed as follows:

Defendant:	Jason D. Robinson
Case Number(s):	CF-2011-4074
City/County:	Oklahoma County
Surety:	Safety National Casualty Corporation
Bondsman:	Eugene Phillips
Power Number(s):	S5-2000943
Bond Amount(s):	\$4,000

9. On August 17, 2011, the Defendant failed to appear, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued by the court on September 12, 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.

10. Phillips received a copy of the Order and Judgment of Forfeiture on September 15, 2011.

11. Safety National received a copy of the Order and Judgment of Forfeiture on September 15, 2011.

12. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was December 15, 2011. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture.

13. On December 15, 2011, Phillips submitted check #1778 in the amount of Twelve Thousand Five Hundred Dollars (\$12,500) for payment of this forfeiture as well as the other two forfeitures listed in this Order. Check #1778 was returned to the Oklahoma County Court Clerk's office as insufficient on December 29, 2011.

14. On January 27, 2012, Phillips paid the face amount of the forfeited bond.

12-0094-DIS

15. On or about February 11, 2011, an appearance bond was executed as follows:

Defendant:	Miguel Cardoza Castaneda
Case Number(s):	CF-2011-178
City/County:	Oklahoma County
Surety:	Safety National Casualty Corporation
Bondsman:	Eugene Phillips
Power Number(s):	S10-1971785
Bond Amount(s):	\$6,000

16. On August 8, 2011, the Defendant failed to appear, and the bond was declared forfeited.

An Order and Judgment of Forfeiture was issued by the court on August 30, 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.

17. Phillips received a copy of the Order and Judgment of Forfeiture on September 15, 2011.

18. Safety National received a copy of the Order and Judgment of Forfeiture on September 2, 2011.

19. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was December 15, 2011. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture.

20. On December 15, 2011, Phillips submitted check #1778 in the amount of Twelve Thousand Five Hundred Dollars (\$12,500) for payment of this forfeiture as well as the other two forfeitures listed above. Check #1778 was returned to the Oklahoma County Court Clerk's office as insufficient on December 29, 2011.

21. On January 27, 2012, Phillips paid the face amount of the forfeited bond.

Administrative Action and Subsequent Proceedings

22. Based on the above facts, on March 8, 2012, the Oklahoma Insurance Department (“Department”) issued a *Conditional Administrative Order and Notice of Right to be Heard* in these cases, fining Respondents One Thousand Two Hundred Fifty Dollars (\$1,250.00) each.

23. On March 21, 2012, Phillips filed with the Oklahoma County District Court and was granted an Order For Remitter in CF-2011-178, State v. Castaneda. The bond forfeiture was set aside and the money paid by Phillips on January 27, 2012 was ordered remitted based upon Defendant Castaneda being in custody at the time of the forfeiture.

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 defendants 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. Under 59 O.S. § 1310(B), any person found to be in violation of the Bail Bond Code “may be subject to a civil penalty of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each occurrence.”

ORDER

IT IS THEREFORE ORDERED that Eugene Phillips and Safety National are each fined in the amount of Six Hundred Fifty Dollars (\$650.00).

Respondents are further notified that either or both 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 give an explanation of Respondents' actions described herein and any defenses thereto.

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 and the fine ordered herein shall be due.

WITNESS My Hand and Official Seal this 27th day of March, 2012.



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 *First Amended Conditional Administrative Order and Notice of Right to Be Heard* was mailed certified, return receipt requested, on this 27th day of March, 2012, to:

Jeff Eulberg
Eulberg Law Offices
925 N.W. 6th
Oklahoma City, OK 73106



William G. Combs

7006 2760 0005 6605 6550

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

Postage	\$	MAR 27 Postmark Here OKC OK 73106
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		
Sent To	Jeff Eulberg Eulberg Law Offices 925 N.W. 6th OKC, OK 73106	
Street, Apt. N or PO Box No.		
City, State, Zi	sms/12-0092-DIS, 12-0093-DIS, & 12-0094-DIS/Cond. Ord.	

PS Form 3800, August 2006 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:

Jeff Eulberg
Eulberg Law Offices
925 N.W. 6th
OKC, OK 73106
sms/12-0092-DIS, 12-0093-DIS, & 12-0094-DIS/Cond. Ord.

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☐ Agent ☐ Addressee
F. Herrell
- B. Received by (Printed Name) *F. Herrell*
- C. Date of Delivery *3/28/12*
- D. Is delivery address different from item 1? ☐ Yes ☐ No

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

APR 02 2012

Legal Division

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)

7006 2760 0005 6605 6550

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540