

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

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

Petitioner, )

vs. )

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

Respondent. )

**FILED**

JUN 06 2012

INSURANCE COMMISSIONER  
OKLAHOMA

Case No. 12-0261-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. §§ 101-7301, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1340.

2. Eugene Phillips ("Respondent") is a licensed bail bondsman in the State of Oklahoma  
holding license number 40036559.

**FINDINGS OF FACT**

**Insufficient Funds #1**

1. On December 14, 2011, Respondent submitted an insufficient electronic funds  
transfer ("EFT") to the Oklahoma Insurance Department ("Department") in the amount of \$3.00 for  
payment of his October 2011 Safety National Casualty Corporation report renewal fees and ok.gov  
fee.

2. On January 9, 2012, Department staff sent an email to Respondent informing him of the unpaid amount and urging him to replace the funds.

3. On January 27, 2012, Department staff sent Respondent a letter, via certified mail, informing him of the unpaid amount and that a \$25.00 service fee was being assessed. The letter also instructed that \$3.00 for the amount of the EFT and \$25.00 for the service fee, for a total of \$28.00, be paid to the Department by cashier's check or money order within five (5) days of receipt of the letter.

4. Respondent received the letter on January 30, 2012.

#### **Insufficient Funds #2**

5. On December 15, 2011, Respondent submitted an insufficient electronic funds transfer ("EFT") to the Oklahoma Insurance Department ("Department") in the amount of \$775.01 for payment of his November 2011 Safety National Casualty Corporation report reviewal fees and okgov.com fee.

6. On January 9, 2012, Department staff sent an email to Respondent informing him of the unpaid amount and urging him to replace the funds.

7. On January 27, 2012, Department staff sent Respondent a letter, via certified mail, informing him of the unpaid amount and that a \$25.00 service fee was being assessed. The letter also instructed that \$775.01 for the amount of the EFT and \$25.00 for the service fee, for a total of \$800.01, be paid to the Department by cashier's check or money order within five (5) days of receipt of the letter.

8. Respondent received the letter on January 30, 2012.

### **Insufficient Funds #3**

9. On January 15, 2012, Respondent submitted an insufficient electronic funds transfer (“EFT”) to the Oklahoma Insurance Department (“Department”) in the amount of \$454.25 for payment of his December 2011 Safety National Casualty Corporation report reviewal fees and okgov.com fee.

10. On January 31, 2012, Department staff sent Respondent a letter, via certified mail, informing him of the unpaid amount and that a \$25.00 service fee was being assessed. The letter also instructed that \$454.25 for the amount of the EFT and \$25.00 for the service fee, for a total of \$479.25, be paid to the Department by cashier’s check or money order within five (5) days of receipt of the letter.

11. Respondent received the letter on February 6, 2012.

12. Respondent did not respond to any of the letters mailed to him and did not make any effort to replace the funds owed.

### **Subsequent Administrative Action**

13. Based on the above alleged violations of law, on March 27, 2012, the Department issued a *Conditional Administrative Order and Notice of Right to be Heard*, fining Respondent Two Hundred Fifty Dollars (\$250.00) and ordering him to replace the funds owed to the Department in the amount of One Thousand Three Hundred Seven Dollars and Twenty-Six Cents (\$1,307.26).

14. Respondent received the *Conditional Order* on April 5, 2012.

15. The Conditional Order became final on Monday, May 7, 2012, as no hearing was requested, and the fine ordered therein became final.

16. After the Order became final, Respondent was contacted on numerous occasions by

Department legal staff, both by telephone and in person, and urged to replace the funds and pay the fine due.

17. As of the date of this Order, Respondent has not replaced any of the funds owed to the Department, nor has he paid the fine levied previously by a final Order of the Commissioner.

### **CONCLUSIONS OF LAW**

1. Respondent acted in violation of 59 O.S. § 1310(A)(27) by uttering insufficient funds to the Insurance Commissioner.

2. Respondent has acted in violation of 59 O.S. § 1310(A)(21) by failing to respond to a properly mailed notification within a reasonable amount of time.

3. Respondent acted in violation of 59 O.S. § 1310(A)(7) by failing to comply with a proper order of the Commissioner.

4. Pursuant to 59 O.S. § 1310(A), the Commissioner may suspend the license of any bondsman for any of the above violations.

### **ORDER**

**IT IS THEREFORE ORDERED** that the bail bondsman license of Eugene Phillips is **SUSPENDED**.

**IT IS FURTHER ORDERED** that Respondent shall replace all funds owed to the Department as set forth above. The total amount currently owed the Department is **One Thousand Three Hundred Seven Dollars and Twenty-Six Cents (\$1,307.26)**.

**IT IS FURTHER ORDERED** that Respondent shall pay the fine of **Two Hundred Fifty Dollars (\$250.00)** levied previously in a final Order of the Commissioner.

Respondent is 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 William G. "Buddy" Combs, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> Suite 100, Oklahoma City, Oklahoma 73112. **Such written request shall include an explanation of Respondent's actions described herein and any defenses thereto.**

**If, within 30 days of receipt of this Order, Respondent fails to either (1) replace the funds owed to the Department and pay the fine ordered previously or (2) request a hearing, this Order shall be a FINAL ORDER on the 31<sup>st</sup> day following the receipt of the Order, Respondent's license shall be suspended until such time as he replaces the funds owed to the Department and pays the fine previously levied in a final Order by the Commissioner.**

WITNESS My Hand and Official Seal this 6<sup>th</sup> day of June, 2012.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
\_\_\_\_\_  
William G. "Buddy" Combs  
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 MAILING**

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 6<sup>th</sup> day of June, 2012, to:

Eugene Phillips  
P.O. Box 21801  
Oklahoma City, OK 73156-1801

Jeff Eulberg  
Eulberg Law Offices  
925 NW 6<sup>TH</sup> ST.  
OKC, OK 73106  
*Attorney for Respondent*

  
\_\_\_\_\_  
William G. "Buddy" Combs



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

OFFICIAL USE

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



Total F

Sent To

Street, A  
or PO Box  
City, State

Jeff Eulberg  
Eulberg Law Offices  
925 NW 6th Street  
OKC, OK 73106  
sms/12-0261-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:

Jeff Eulberg  
Eulberg Law Offices  
925 NW 6th Street  
OKC, OK 73106  
sms/12-0261-DIS/Cond. Ord.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

B. Received by (Printed Name)  
J Eulberg

☐ Agent  
☐ Addressee

C. Date of Delivery

6/7/12

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

RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT  
JUN 13 2012  
Legal Division

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 4250 291A

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

7001 0320 0004 4250 2925

**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:

Eugene Phillips  
P.O. Box 21801  
OKC, OK 73156-1801  
sms/12-0261-DIS/Cond. Ord.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

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)

7001 0320 0004 4250 2925

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540





Oklahoma Insurance Department  
5 Corporate Plaza  
3625 NW 56th Street, Suite 100  
Oklahoma City, OK 73112-4511

**CERTIFIED MAIL**



7001 0320 0004 4250 2925

6-7



Eugene Phillips  
P.O. Box 21801  
OKC, OK 73156-1801



U.S. POSTAGE PITNEY BOWES



ZIP 73112 \$ 005.95<sup>0</sup>  
02 1W  
0001363374 JUN 06 2012

NIXIE 731 DE 1 00 07/09/12  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD  
BC: 73112451125 \*2457-00983-09-30

7315631991 1901711

