## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.	)	
DOAK, Insurance Commissioner,	)	
Petitioner,	)	
VS.	)	
	)	
ROGER HADA, a licensed bail bondsman in the	)	
State of Oklahoma,	)	
	)	Case No. 12-0418-DIS
AND	)	
	)	
ALLEGHENY CASUALTY COMPANY, a	)	FILED,
licensed insurance company in the State of	)	and the second of the second
Oklahoma,	)	MAY 08 2012
Respondents.	)	INDUBANCE COMMON
	<del>-</del>	INBURÁNCE COMMISSIONE
CONDITIONAL DESCRIPTION	TECHNIA	TOTAL ODDED

# 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 Assistant General Counsel, William G. Combs, 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. Respondent Roger Hada ("Hada") is a licensed bail bondsman in the State of Oklahoma holding license number 120600.
- 3. Respondent Allegheny Casualty Company ("Allegheny") is an admitted insurer in the State of Oklahoma authorized to act as a bail surety company and holding NAIC Number 13285.

#### FINDINGS OF FACT

1. On or about October 26, 2011, an appearance bond was executed as follows:

Defendant:

Michael Anthony McDonald

Case Number(s):

CM-2011-348

City/County:

Woods County

Surety:

Allegheny Casualty Company

Bondsman:

Roger Hada

Power Number(s):

AS6R-294924

Bond Amount(s):

\$3,000

2. On December 13, 2011, the Defendant failed to appear, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued by the court on January 4, 2012, 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. Hada received a copy of the Order and Judgment of Forfeiture on January 9, 2012.
- 4. Allegheny received a copy of the Order and Judgment of Forfeiture on January 10, 2012.
- 5. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture by Respondents was Monday, April 9, 2012. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture, nor was the face amount of the forfeited bond deposited with the court clerk within ninety-one (91) days of receipt of the Order and Judgment of Forfeiture.
- 6. As of the date of this Conditional Order, the forfeited bail bond has not been paid or otherwise set aside.

#### CONCLUSIONS OF LAW

1. 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.

2. Under 59 O.S. § 1310(B), any person or entity violating a provision of the Bail Bond Act may be subject to a civil penalty ranging from \$250 to \$2,500.

#### ORDER

IT IS THEREFORE ORDERED that Roger Hada and Allegheny Casualty Company are <u>each</u> FINED Four Hundred Fifty Dollars (\$450.00).

IT IS FURTHER ORDERED that pursuant 59 O.S. § 1332 the face amount of the bond, Three Thousand Dollars (\$3,000.00), shall be withdrawn from the deposit placed with the State of Oklahoma by Allegheny Casualty Company as reserve to meet sums due on forfeiture. The sums withdrawn are to be forwarded to the Woods County Court Clerk for payment of the bond in case number CM-2011-348, Defendant Michael Anthony McDonald. Such sums shall not be withdrawn from the deposit of Allegheny Casualty Company if the bond forfeiture is paid or otherwise set aside within 30 days of receipt of this Order.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action and may be used in any subsequent hearings by the Insurance Department. In the event other misconduct is reported to the Department, this Order may be used as evidence against Respondents to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

Respondents are 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 William G. "Buddy" Combs, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> Suite 100, Oklahoma City, Oklahoma 73112 and give an explanation of Respondent's actions

## described herein and any defenses thereto.

If Respondents fail to pay the fines ordered herein or request a hearing within 30 days of receipt of this Order, this Order shall become a **FINAL ORDER** on the 31<sup>st</sup> day following the receipt of the Order, Respondent's license shall be **SUSPENDED**, and the face amount of the bond forfeiture shall be withdrawn from Allegheny's deposit and forwarded to the Woods County Court Clerk.

WITNESS My Hand and Official Seal this day of May, 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 day of May, 2012, to:

Roger Hada 427 Barnes Ave., Suite 3 Alva, OK 73717-2286

Allegheny Casualty Company ATTN: Thomas F. Ritchey P.O. Box 1116 Meadville, PA 16335

William G. "Buddy" Comb

## U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided) 2321 4250 Postage Certified Fee Return Receipt Fee (Endorsement Required) 4000 Restricted Delivery Fee (Endorsement Required) 0350 Total Pos Roger Hada Sent To 427 Barnes Ave., Suite 3 Street, Apt. or PO Box 7007 Alva, Ok 73717-2286 City, State, sms/12-0418-DIS/Cond. Ord. PS Form 3800, January 200

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