

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

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
Petitioner,)
vs.)
GREGORY BATES, a licensed bail bondsman in)
the State of Oklahoma,)
AND)
LEXINGTON NATIONAL INSURANCE)
CORPORATION, an admitted insurer in the State)
of Oklahoma authorized to act as a bail surety)
company,)
Respondents.)

FILED
JUN 04 2012
INSURANCE COMMISSIONER
OKLAHOMA

Case No. 12-0514-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 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 Gregory Bates ("Bates") is a licensed bail bondsman in the State of Oklahoma holding license number 199085.

3. Respondent Lexington National Insurance Corporation ("Lexington") is an admitted insurer in the State of Oklahoma authorized to act as a bail surety company and holding NAIC Number 37940.

FINDINGS OF FACT

1. On or about January 3, 2012, three appearance bonds were executed as follows:

Defendant:	Allison Denise Birdsong
Case Number(s):	5601224; 5862180; 7078507
City/County:	Tulsa Municipal
Surety:	Lexington National Insurance Corporation
Bondsman:	Gregory Bates
Power Number(s):	2012-AA-061173; 2012-AA-061172; 2012-AA-061171
Bond Amount(s):	\$300; \$200; \$200

2. On February 3, 2012, the Defendant failed to appear, and the bonds were declared forfeited. An Order and Judgment of Forfeiture was issued by the court for each of the three forfeited bonds on February 13, 2012, and filed in the cases. A true and correct copy of the Order and Judgment of Forfeiture for each forfeited bond was mailed to Respondents with return receipt requested within thirty (30) days after the forfeiture.

3. Bates received a copy of each Order and Judgment of Forfeiture on February 23, 2012.

4. Lexington received a copy of each Order and Judgment of Forfeiture on February 20, 2012.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Thursday, May 24, 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 bonds 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 bonds have 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 Gregory Bates and Lexington National Insurance Corporation are each FINED Two Hundred Fifty Dollars (\$250.00).

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 56th Suite 100, Oklahoma City, Oklahoma 73112 and **give an explanation of Respondent's actions described herein and any defenses thereto.**


If, within 30 days of receipt of this Order, Respondents fail to either (1) pay the outstanding

forfeitures and the fines ordered herein or (2) request a hearing, this Order shall become a **FINAL ORDER** on the 31st day following the receipt of the Order and Respondents' licenses shall be **SUSPENDED**.

WITNESS My Hand and Official Seal this 4th day of June, 2012.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



William G. "Buddy" Combs
Assistant General Counsel
3625 NW 56th 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 4th day of June, 2012, to:

Gregory Bates
P.O. Box 27202
Tulsa, OK 74149-0202

Lexington National Insurance Corporation
ATTN: Kim Marzullo
P.O. Box 6098
Hunt Valley, MD 21094



William G. "Buddy" Combs

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

7001 0320 0004 4250 2833

OFFICIAL USE

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



Sent To
Street, Apt. No.,
or PO Box No.
City, State, ZIP+

Lexington National Insurance Co
Attn: Kim Marzullo
P.O. 6098
Hunt Valley, MD 21094
sms/12-0514-DIS/Cond. Ord.

PS Form 3800, January 2007

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 the sender or on the front if space permits.
- Attach this card to the back of the mailpiece.

1. Article Addressed to:

Lexington National Insurance Co
Attn: Kim Marzullo
P.O. 6098
Hunt Valley, MD 21094
sms/12-0514-DIS/Cond. Ord.

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Kim Marzullo

☒ Agent

☐ Addressee

B. Received by (Printed Name)

ANTHONY MARZULLO

C. Date of Delivery

6-7-12

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 4250 2833

PS Form 3811, February 2004

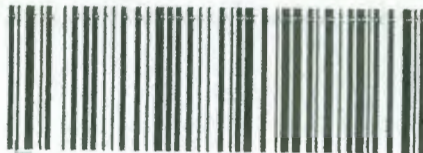
Domestic Return Receipt

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 2826



U.S. POSTAGE >> PITNEY BOWES



ZIP 73112 \$ 005.95⁰
02 1W
0001363374 JUN 04 2012



Gregory Bates
P.O. 27202
Tulsa, Ok 74149-0202

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

JUN 26 2012

Legal Division

1st NOTICE
2nd NOTICE
RETURNED

6-12
6-20



NIXIE 731 DE 1 00 06/22/12

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 73112451125 *0457-01414-05-05



7311204511
741490202

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

OFFICIAL MAIL

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

Total Postage

Gregory Bates
P.O. 27202
Tulsa, Ok 74149-0202
sms/12-0514-DIS/Cond. Ord.

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

PS Form 3800, January 2001 See Reverse for Instructions

9282 0524 4000 02E0 T002

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

OFFICIAL MAIL

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

Total Postage

Gregory Bates

P.O. 27202

Tulsa, OK 74149-0202

sms/12-0514-DIS/Cond. Ord.



PS Form 3800, January 2001

See Reverse for Instructions

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

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.

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Gregory Bates
 P.O. 27202
 Tulsa, Ok 74149-0202
 sms/12-0514-DIS/Cond. Ord.

2. Article Number
 (Transfer from service label)

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7001 0320 0004 4250 2826