

FILED

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

INSURANCE COMMISSIONER
OKLAHOMA

CASE NO. 13-0572-DIS

AND

SAFETY NATIONAL CASUALTY)
CORPORATION, an insurance company licensed)
to act as bail surety in the State of Oklahoma,)
Respondents.)

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by
and through counsel and alleges and states as follows:

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 Billy Dismuke (“Dismuke”) is a licensed bail bondsman in the State of Oklahoma holding license number 144708.

3. Respondent Safety National Casualty Corporation (“SNCC”) is an insurance company licensed to act as bail surety in the State of Oklahoma holding NAIC number 15105.

1. On or about June 4, 2012, appearance bonds were executed as follows:

Defendant:	Daryl Mariah Williams
Case Number(s):	115333177; 097665790
City/County:	Oklahoma City Municipal
Surety:	Safety National Casualty Corporation
Bondsman:	Billy Dismuke
Power Number(s):	S5-2071097; S5-2071096
Bond Amount(s):	\$1,500; \$4,800

2. On January 15, 2013, the Defendant failed to appear, and the bonds were declared forfeited. An Order and Judgment of Forfeiture was issued by the court and filed in each case. A true and correct copy of each Order and Judgment of Forfeiture was mailed to Respondents with return receipt requested within thirty (30) days after the forfeiture's filing.

3. The mailing to Dismuke was returned to the Oklahoma City Municipal Court Clerk marked as "Unclaimed."

4. SNCC received a copy of the Order and Judgment of Forfeiture on January 22, 2013.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Tuesday, April 23, 2013.

6. The Defendant was not returned to custody within 90 days, nor was the face amount of the forfeited bond deposited with the Court Clerk within 91 days, after receipt of the Order and Judgment of Forfeiture by Respondents.

7. As of the date of this Order, the bond forfeiture has not be paid or set aside or the bond exonerated.

CONCLUSIONS OF LAW

1. 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. Pursuant to 59 O.S. § 1310(B), any bondsman or company violating a provision of the Bail Bond Act, 59 O.S. §§ 1301-1340, may be subject to a fine of not less than \$250 but not more than \$2,500.

3. Pursuant to 59 O.S. § 1332(D)(4)(a), when a surety company does not properly deposit with the court clerk the face amount of the forfeited bond, the Commissioner shall “cancel the license privilege and authorization of the insurer to do business within the State of Oklahoma and cancel the surety appointment of all surety bondsman agents of the insurer.”

ORDER

IT IS THEREFORE ORDERED that Safety National Casualty Corporation and Billy Dismuke are each **CENSURED** and **FINED Six Hundred Thirty Dollars (\$630.00)**.

IT IS FURTHER ORDERED that the face amount of the bond forfeitures shall be deposited with the Oklahoma City Municipal Court Clerk (or the bond forfeitures otherwise set aside or the bond exonerated) within thirty (30) days of receipt of this Order. Failure to do so shall result in the **CANCELLATION** of Safety National Casualty Corporation’s license privilege and authorization to do business within the State of Oklahoma and the **CANCELLATION** of the surety appointment of all surety bondsman agents of Safety National Casualty Corporation.


Respondents are further 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 Buddy Combs, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Suite 100, Oklahoma City, Oklahoma 73112 and **give an explanation of Respondents’ actions alleged 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.

WITNESS My Hand and Official Seal this 3rd day of July, 2013.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Buddy Combs
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 521-2746
Fax (405) 522-0125

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 3rd day of July, 2013, to:

Billy Dismuke
2828 NW 57th St., Suite 119
Oklahoma City, OK 73112-6814

Safety National Casualty Corporation
Attn: Legal Division
1832 Schuetz Rd.
St. Louis, MO 63146-3540


Buddy Combs

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

OFFICIAL USE

7001 0320 0003 9966 7449

Postage \$	Postmark Here
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+	

Safety National Casualty Corp.
Attn: Legal Division
1832 Schuetz Rd.
St. Louis, MO 63146-3540
sms/13-0572-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:

Safety National Casualty Corp.
Attn: Legal Division
1832 Schuetz Rd.
St. Louis, MO 63146-3540
sms/13-0572-DIS/Cond. Ord.

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
☒ Addressee

B. Received by (Print Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
☒ 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 0003 9966 7449

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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

7001 0320 0003 9966 7432

OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage	
Billy Dismuke 2828 NW 57th, Suite 119 OKC, OK 73112-6814 sms/13-0572-DIS/Cond. Ord.	
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+	
PS Form 3800, January 2001	

Postmark
Here

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

B. Dismuke

C. Date of Delivery

7-6-13

D. Is delivery address different from item 1?
 If YES, enter delivery address below:

- ☐ Yes
☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

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