## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA		FILED
STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,  Petitioner,	) ) )	JAN 2 2 2014 INSURANCE COMMISSIONER OKLAHOMA
vs. TIFFANY CHARLES, a licensed bail bondsman	)	OKLAHOMA SIONER
in the State of Oklahoma,	)	
AND INDIANA LUMBERMENS MUTUAL	) CASE NO. 13-0	0824-DIS
INSURANCE COMPANY, an insurance company	)	
licensed to act as bail surety in the State of	)	
Oklahoma,	)	
Respondents.	)	

# 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. Respondent Tiffany Charles ("Charles") is a licensed bail bondsman in the State of Oklahoma holding license number 100113610.
- 3. Respondent Indiana Lumbermens Mutual Insurance Company ("Indiana Lumbermens") is an insurance company licensed to act as bail surety in the State of Oklahoma holding NAIC number 14265.

#### **FINDINGS**

1. On or about April 23, 2012, an appearance bond was executed as follows:

Defendant:

Christopher Eaton

Case Number(s):

CF-2012-743

City/County:

Cleveland County

Surety:

Indiana Lumbermens Mutual Ins. Co. Tiffany Charles

Bondsman:
Power Number(s):

Tillarly Charles

D 1 4

US15-738407

Bond Amount(s):

\$1,000.00

2. On February 13, 2013, the Defendant failed to appear, and the bonds were declared forfeited. An Order and Judgment of Forfeiture was issued by the court on May 5, 2013, 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.

Tiffany Charles received a copy of the Order and Judgment of Forfeiture on April 13,
 2013.

4. Indiana Lumbermens received a copy of the Order and Judgment of Forfeiture on March 11, 2013.

5. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture was Monday, July 15, 2013. 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 of receipt of the Order and Judgment of Forfeiture.

6. As of the filing of this Order, the forfeiture remains unpaid.

### **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. 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.

#### **ORDER**

IT IS THEREFORE ORDERED that Tiffany Charles is FINED Two Hundred Fifty Dollars (\$250.00), due and payable to the Oklahoma Insurance Department.

IT IS FURTHER ORDERED that the face amount of the bond forfeiture shall be deposited with the Cleveland County Court Clerk (or the bond forfeiture otherwise set aside and the bond exonerated) within thirty (30) days of receipt of this Order. Failure to do so shall result in the CANCELLATION of Indiana Lumbermens Mutual Insurance Company'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 Indiana Lumbermens Mutual Insurance Company.

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 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 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 31<sup>st</sup> day following the receipt of the Order, and the fines ordered herein shall be due.

WITNESS My Hand and Official Seal this day of January, 2013.



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

### **CERTIFICATE OF MAILING**

Fax (405) 521-0125

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 January, 2013; to:

Tiffany Charles 1309 Rebecca Ln. Norman, OK 73072-5928

Indiana Lumbermens Mutual Insurance Company ATTN: Joanne Burnes 8888 Keystone Crossing Indianapolis, IN 46240

William G. "Buddy" Combs

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

sms/13-0824-DIS/Cond Ord Tiffany Charles 1309 Rebecca Ln. Norman, OK 73072-5928 Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Certified Fee

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Legal Division

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CHARLES PO BOX 1456 NORMAN OK 73070-1456

RETURN TO SENDER

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(Endorsement Required)
Restricted Delivery Fee
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Indiana Lumbermens Mutual Install Division ATTN: Joanne Burnes 8888 Keystone Crossing Indianapolis, IN 46240 sms/13-0824-DIS/Cond Ord	3. Service Type Certified Mail		
	4. Restricted Delivery? (Extra Fee)		
2. Article Number (Transfer from service label) 7001 0320	0004 4249 1977		
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