

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

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
Petitioner,)
vs.)
BILLY DISMUKE, a licensed bail bondsman in)
the State of Oklahoma,)
AND)
SAFETY NATIONAL CASUALTY)
CORPORATION, an insurance company licensed)
to act as bail surety in the State of Oklahoma,)
Respondents.)

FILED

DEC 05 2013

**INSURANCE COMMISSIONER
OKLAHOMA**

CASE NO. 13-1216-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. 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.

FINDINGS OF FACT

1. On or about November 11, 2011, an appearance bond was executed as follows:

Defendant:	Terry Lynn Rideau Jr.
Case Number(s):	CF-2007-4267
City/County:	Oklahoma County
Surety:	Safety National Casualty Corporation
Bondsman:	Billy Dismuke
Power Number(s):	S5-2035208
Bond Amount(s):	\$4,000

2. On March 5, 2012, the Defendant failed to appear, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued by the court and filed in the case on March 21, 2012. 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 Order's filing.

3. Dismuke received a copy of the Order & Judgment of Forfeiture on April 4, 2012.

4. SNCC received a copy of the Order and Judgment of Forfeiture on March 26, 2012.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Wednesday, July 4, 2012. Because that day was a holiday, the statutory 91st day was Thursday, July 5, 2012.

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 Four Hundred Dollars (\$400.00)**.

IT IS FURTHER ORDERED that the face amount of the bond forfeiture shall be deposited with the Oklahoma County Court Clerk (or the bond forfeiture 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 5th day of December, 2013.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Wm Combs".

William G. "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 5th day of December, 2013, to:

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

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

A handwritten signature in blue ink, appearing to read "Wm Combs".
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 Post: Safety National Casualty Corp.
 Attn: Legal Division
 1832 Schuetz Rd.
 St. Louis, MO 63146-3540
 sms/13-1216-DIS/Cond. Ord.

PS Form 3800, January 2001 See Reverse for Instructions

7001 0320 0004 4249 2417

SENDER: COMPLETE THIS SECTION | **COMPLETE THIS SECTION ON DELIVERY**

- 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.

A. Signature *Joe Bauer* Agent Addressee
 B. Received by (Printed Name) *Joe Bauer* C. Date of Delivery

1. Article Addressed to:
 Safety National Casualty Corp.
 Attn: Legal Division
 1832 Schuetz Rd.
 St. Louis, MO 63146-3540
 sms/13-1216-DIS/Cond. Ord.

D. Is delivery address different from item 1? Yes No
 IF YES, enter delivery address below:
 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 4249 2417



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

OFFICIAL USE

7001 0320 0004 4249 2424

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



Total Postage

Sent To: **Billy Dismuke**
2828 NW 57th St.
OKC, OK 73112-6814
sms/13-1216-DIS/Cond. Ord.

Street, Apt. No., or PO Box No.
 City, State, ZIP+4

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.
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1. Article Addressed to:

Billy Dismuke
2828 NW 57th St.
OKC, OK 73112-6814
sms/13-1216-DIS/Cond. Ord.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
[Signature]

B. Received by (Printed Name) Agent Addressee
Billy Dismuke

C. Date of Delivery
12-15-13

Has delivery address different from item 1? Yes No
 If YES, enter delivery address below:

RECEIVED
 OKLAHOMA INSURANCE
DEC 23 2013
 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 4249 2424**