# BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

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STATE OF OKLAHOMA, ex rel. JOHN D.	)	
DOAK, Insurance Commissioner,	)	FEB 1 2 2014
Petitioner, vs.	) )	INSURANCE COMMISSIONER OKLAHOMA
	)	TOWN.
JILL LYNN DILLARD, a licensed bail bondsman in the State of Oklahoma,	)	
AND	) C.	ASE NO. 14-0011-DIS
INTERNATIONAL FIDELITY 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 Jill Lynn Dillard ("Dillard") is a licensed bail bondsman in the State of Oklahoma holding license number 40069514.
- 3. Respondent International Fidelity Insurance Company ("IFIC") is an insurance company licensed to act as bail surety in the State of Oklahoma holding NAIC number 11592.

#### FINDINGS OF FACT

1. On or about September 16, 2011, an appearance bond was executed as follows:

Defendant:

Adrian Lamar Williams

Case Number(s):

CF-2011-572

City/County:

Payne County

Surety:

International Fidelity Insurance Company

Bondsman:

Jill Lynn Dillard

Power Number(s):

IS15K-203802

Bond Amount(s):

\$7500

- 2. On August 2, 2013, the Defendant failed to appear, and the bond was orally declared forfeited. An Order and Judgment of Forfeiture was filed by the court on August 23, 2013. 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. Dillard did not receive a copy of the Order and Judgment of Forfeiture.
  - 4. IFIC received a copy of the Order and Judgment of Forfeiture on August 26, 2013.
- 5. The ninetieth (90<sup>th</sup>) day after receipt of the Order and Judgment of Forfeiture by Respondents was Sunday, November 24, 2013.
- 6. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture by Respondents was Monday, November 25, 2013.
- 7. As of the date of this Order, the bond forfeiture has not been paid or otherwise set aside or the bond exonerated.
- 8. 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.

#### **CONCLUSIONS OF LAW**

1. The allegations are found to be true and correct, and Respondents have violated 59 O.S. § 1332(D) 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 Jill Lynn Dillard and International Fidelity Insurance Company are <u>each</u> CENSURED and FINED Two Hundred Fifty Dollars (\$250.00).

IT IS FURTHER ORDERED that the face amount of the bond forfeiture shall be deposited with the Payne 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 International Fidelity Insurance Company's license privilege and authorization to do business within the State of Oklahoma and CANCELLATION of the surety appointment of all surety bondsman agents of International Fidelity 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 Dan R. Byrd, Assistant General Counsel, 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.



JOHN D. DOAK INSURANCE COMMISSIONER STATIKOF OKILAHOMA

Dan R. Byrd Assistant General Counsel 3625 NW 56<sup>th</sup> Street, Suite 100 Oklahoma City, Oklahoma, 73112 Tel. (405) 522-6330 Fax (405) 522-0125

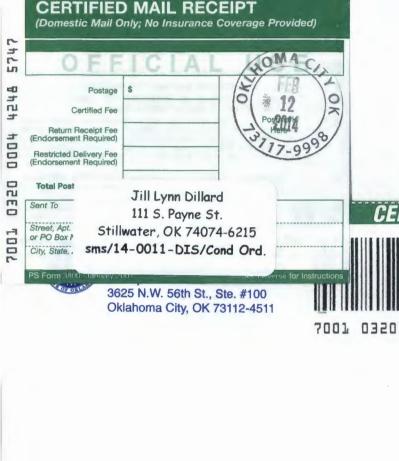
### **CERTIFICATE OF MAILING**

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 day of February, 2014, to:

Jill Lynn Dillard 111 S. Payne St. Stillwater, OK 74074-6215

International Fidelity Insurance Company One Newark Center, 20<sup>th</sup> Floor

Newark, NJ 07102





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JiffLynn Dillard

111 S. Payne St.

Stillwater, OK 74074-6215

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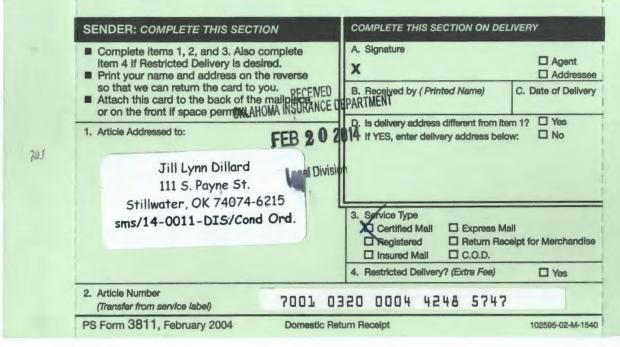
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