# BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. )	FILED
DOAK, Insurance Commissioner, Petitioner,	FEB 1 2 2014
vs.	INSURANCE COMMISSIONER OKLAHOMA
JAMES MANUEL, a licensed bail bondsman in the State of Oklahoma,	
AND	CASE NO. 14-0090-DIS
UNITED STATES FIRE 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.
- Respondent James Manuel ("Manuel") is a licensed bail bondsman in the State of Oklahoma holding license number 200341.
- Respondent United States Fire Insurance Company ("USFIC") is an insurance company licensed to act as bail surety in the State of Oklahoma holding NAIC number 21113.

#### FINDINGS OF FACT

1. On or about March 25, 2013, an appearance bond was executed as follows:

Defendant:

Geren Lee Mayes

Case Number(s):

CM-2006-1053

City/County:

Payne County

Surety:

United States Fire Insurance Company

Bondsman:

James Manuel

Power Number(s):

U3-20444455

Bond Amount(s):

\$2500

- 2. On September 6, 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 September 6, 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. Manuel received a copy of the Order and Judgment of Forfeiture on September 9, 2013.
  - 4. USFIC received a copy of the Order and Judgment of Forfeiture on September 10, 2013.
- 5. The ninetieth (90<sup>th</sup>) day after receipt of the Order and Judgment of Forfeiture by Respondents was Sunday, December 8, 2013.
- 6. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture by Respondents was Monday, December 9, 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 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 James Manuel and United States Fire Insurance Company are each 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 United States Fire 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 United States Fire 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.

WITNESS My Hand and Official Seal this

day of February, 2014.

COMMISSION OF OKAMINA

JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

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**

James Manuel 1209 S. Main St. Stillwater, OK 74074-5846

United States Fire Insurance Company Attn: Dee Evans 10350 Richmond Ave., Ste 300 Houston, TX 77042-4348

Dan R. Byr

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1	PS Form 3800, January	1001	See Reverse for Instructions

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.  1. Article Addressed to:  RECA  James Manuel  1209 S. Main St.  Stillwater, Ok 74074-5846  sms/14-0090-DIS/Cond Ord, Legal D	A. Signature  X. Agent Addressee  B. Received by (Printed Name) C. Date of Delivery  AMC MARKED C. Date of Delivery  D. Is delivery address different from item 1? Yes  If YES, enter delivery address below: No  OFFICE TIMENT  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 0	004 4249 1465
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