

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

FILED

MAR 27 2014

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
Petitioner,)
vs.)
TIFFANY CHARLES, a licensed bail)
bondsman in the State of Oklahoma,)
AND)
UNITED STATES FIRE INSURANCE)
COMPANY, an insurance company licensed to)
act as bail surety in the State of Oklahoma,)
Respondents.)

CASE NO. 14-0300-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 Tiffany Charles ("Charles") is a licensed bail bondsman in the State of Oklahoma holding license number 100113610.

3. 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 July 12, 2013, an appearance bond was executed as follows:

Defendant:	Richard Anthony Fugate
Case Number(s):	CM-2013-1944
City/County:	Oklahoma County
Surety:	United States Fire Insurance Company
Bondsman:	Tiffany Charles
Power Number(s):	U1-20459236
Bond Amount(s):	\$1,000

2. On November 7, 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 December 3, 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. Charles received a copy of the Order and Judgment of Forfeiture on December 10, 2013.

4. USFIC received a copy of the Order and Judgment of Forfeiture on December 5, 2013.

5. The ninetieth (90th) day after receipt of the Order and Judgment of Forfeiture by Respondents was Monday, March 10, 2014.

6. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Tuesday, March 11, 2014.

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.

9. The bond was not reported on Charles' July 2013 USFIC report and was not found on Active Bond list.

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 and 59 O.S. § 1310(A)(24) and (25) for failing to file a report as required by Section 1314 of Title 59 and filing a materially untrue monthly report.

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 Tiffany Charles 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 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 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 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, and the fines ordered herein shall be due.

WITNESS My Hand and Official Seal this 27th day of March, 2014.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA




Dan R. Byrd
Assistant General Counsel
3625 NW 56th 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 27th day of March, 2014, to:

Tiffany Charles
P.O. Box 1456
Norman, OK 73070-1456

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



Dan R. Byrd

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 Postage: United States Fire Insurance Co
 Attn: Dee Evans
 10350 Richmond Ave., Suite 300
 Houston, TX 77042-4348
 sms/14-0300-DIS/Cond. Ord.

Sent To
 Street, Apt.
 or PO Box
 City, State,

PS Form 3800, January 2001 See Reverse for Instructions

7001 0320 0004 4248 4924

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:

Tiffany Charles
 P.O. Box 1456
 Norman, OK 73070-1456
 sms/14-0300-DIS/Cond. Ord.

2. Article Number
 (Transfer from service label)

7001 0320 0004 4248 4924

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
B. Received by (Printed Name) T. Charles	C. Date of Delivery 7-29-14
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes
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APR 1 2014

Legal Division

RECEIVED OKLAHOMA DEPARTMENT OF REVENUE

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 Postage

Sent To

Street, Apt. No.
or PO Box No.

City, State, ZIP+

Tiffany Charles

P.O. Box 1456

Norman, OK 73070-1456

sms/14-0300-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:

United States Fire Insurance Co
Attn: Dee Evans
10350 Richmond Ave., Suite 300
Houston, TX 77042-4348
sms/14-0300-DIS/Cond. Ord.

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

APR 08 2014

Legal Division

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Debra Samuel*☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

3-31

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ 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 0004 4248 4931

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540