

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

JUL 23 2014

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner,)
vs.)
)
DELMER PHILLIPS, a licensed bail bondsman)
in the State of Oklahoma,)
)
Respondent.)

Case No. 14-0751-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, Dan R. Byrd, 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 Delmer Phillips (“Respondent”) is a licensed bail bondsman in the State of Oklahoma holding license number 100135053.

ALLEGATIONS OF FACT

1. On June 18, 2014, Respondent submitted to the Oklahoma Insurance Department (“Department”) an Electronic Funds Transfer (“EFT”) of One Hundred Twenty-One Dollars and Eighty Cents (\$121.80) for his May 2014 Lexington National Insurance Company report.
2. On June 30, 2014, the Oklahoma State Treasurer charged the EFT back to the Department as “Not Sufficient Funds”.

3. On July 8, 2014, Department staff sent Respondent an email and a letter, via certified mail, requesting that the funds be replaced and a service fee of Twenty-Five Dollar (\$25.00) be paid within five days of receipt of the letter.

4. The letter was returned on July 15, 2014 by USPS marked, "Return to sender attempted-unknown, unable to forward.

5. On July 18, 2014, Department staff spoke with Jessica, who returned the Department's phone call. Respondent was present during the call. Respondent was made aware of the insufficient funds and being referred to Legal.

6. As of today's date the funds have not been replaced.

7. Submitting an insufficient electronic funds transfer to the Department is a violation of 59 O.S. § 1310(A)(29). The Department charges a Twenty-Five Dollar (\$25.00) service fee on all insufficient funds.

8. Respondent is required to notify the Department within Five (5) days after a change of address. Failure to notify the Department of an address change is a violation of 59 O.S. § 1310(A)(23). Failure to accept or claim certified mail is a violation of 59 O.S. § 1310(A)(32).

ALLEGED VIOLATIONS OF LAW

1. Respondent has violated 59 O.S. § 1310(A)(29) by uttering insufficient funds to the Commissioner.

2. Respondent has violated 59 O.S. § 1310(A)(23) for failing to respond to a properly mailed notification within a reasonable amount of time.

3. Respondent has violated 59 O.S. § 1310(A)(32) for failing to accept or claim a

certified mailing from the Department addressed to the Respondent's mailing address on file with the Department.

4. Respondent has violated 59 O.S. § 1310(A)(2) by violating a law of this state relating to bail.

5. Pursuant to 59 O.S. § 1310(B), "any person violating any provision of Sections 1301 through 1340 of this title may be subject to a civil penalty of not less than Two Hundred Fifty Dollars (\$250.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each occurrence."

ORDER

IT IS THEREFORE ORDERED that Delmer Phillips is CENSURED and FINED Two Hundred Fifty Dollars (\$250.00).

IT IS FURTHER ORDERED that Delmer Phillips shall replace the insufficient EFT and pay the service fee owed. The total amount owed to the Department in this case, independent of the fine ordered above, is One Hundred Forty-Six Dollars and Eighty Cents (\$146.80).

Respondent is further notified that he may request a hearing within thirty (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, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112, and **state the basis for requesting the hearing.**

If Respondent fails to request a hearing within thirty (30) days of receipt of this Order,

this Order shall become a FINAL ORDER on the 31st day and the fine ordered herein shall be due.

If Respondent fails to replace the EFT and pay the service fee owed, Respondent's license shall be SUSPENDED on the 31st day after receipt of this Order.

WITNESS My Hand and Official Seal this 29th day of July, 2014.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

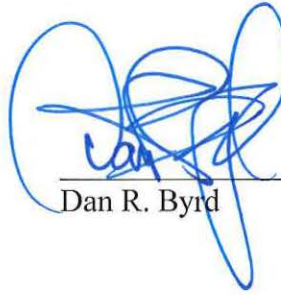
A handwritten signature in blue ink, appearing to read "Dan R. Byrd", is written over a horizontal line. The signature is stylized and somewhat illegible.

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 24th day of July, 2014, to:

Delmer Phillips
1704 N. Desert Palm Ave.
Broken Arrow, OK 74012-1201



A handwritten signature in blue ink, appearing to read 'Dan R. Byrd', is written over a horizontal line. The signature is stylized and somewhat illegible.

Dan R. Byrd

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

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage /



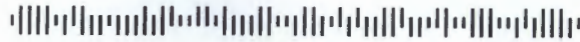
Delmer Phillips
1704 N. Desert Palm Ave.
Broken Arrow, OK 74012-1201
sms/14-0751-DIS/Cond Ord

PS Form 3800, August 2006

CERTIFIED MAIL™



73112 04511 9588 1534



Delmer Phillips
1704 N. Desert Palm Ave.
Broken Arrow, OK 74012-1201

neopost

07/29/2014

US POSTAGE \$007.1

FIRST-CLASS



ZIP 73112
041L12203132

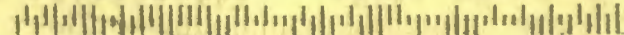


NIXIE 731 7E 1700 0108/02/14

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 73112451125 *0157-10964-29-43

73112@4511



For delivery information visit our website at www.usps.com
OFFICIAL USE

| | |
|--|--|
| Postage \$ | |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage / | |



Sent To
 Delmer Phillips
 1704 N. Desert Palm Ave.
 Broken Arrow, OK 74012-1201
 sms/14-0751-DIS/Cond Ord

PS Form 3800, August 2006

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

4EST 8856 T000 05T0 4T02

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:

Delmer Phillips
 1704 N. Desert Palm Ave.
 Broken Arrow, OK 74012-1201
 sms/14-0751-DIS/Cond Ord

2. Article Number
 (Transfer from service label)

7014 0150 0001 9588 1534

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

X RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT
 B. Received by (Printed Name) C. Date of Delivery

AUG 05 2014

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