

FILED
JAN 08 2015
INSURANCE COMMISSIONER
OKLAHOMA

CASE NO. 15-0002-DIS

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through counsel and alleges and states as follows:

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.

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.

1. On or about April 18, 2014, an appearance bond was executed as follows:

Defendant: Kenneth Carl Blueback
Case Number(s): CF-2009-30
City/County: Payne County
Surety: United States Fire Insurance Company
Bondsman: Misty Garcia
Power Number(s): U3-20491469
Bond Amount(s): \$3000

2. On July 11, 2014, the Defendant failed to appear, and the bond was orally declared forfeited. An Order and Judgment of Forfeiture was filed by the court on July 11, 2014. 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. Garcia received a copy of the Order and Judgment of Forfeiture on July 17, 2014.

4. USFIC received a copy of the Order and Judgment of Forfeiture on July 15, 2014.

5. The ninetieth (90th) day after receipt of the Order and Judgment of Forfeiture by Respondents was Monday, October 13, 2014.

6. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Tuesday, October 14, 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 reported.

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 Misty Garcia 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 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 8th day of January, 2015.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Dan R. Byrd", is written over a horizontal line.

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

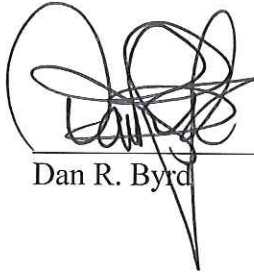
I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to Be Heard* was mailed certified, return receipt requested, on this 8th day of January, 2015, to:

Misty Garcia
3702 W. Lakeview
Stillwater, OK 74074

**CERTIFIED MAIL NO:
7014 2870 0000 5493 2613**

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

**CERTIFIED MAIL NO:
7014 2870 0000 5493 2620**



Dan R. Byrd

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

Misty Garcia
3702 W. Lakeview
Stillwater, OK 74074
15-0002-DIS/DRB(mt)
Cond.Adm.Ord. ~01-07-15



PS Form 3800, July 2014

See Reverse for Instructions

7014 2870 0000 5493 2613

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:

Misty Garcia
3702 W. Lakeview
Stillwater, OK 74074
15-0002-DIS/DRB(mt)
Cond.Adm.Ord. ~01-07-15

2. Article Number

(Transfer from service label)

7014 2870 0000 5493 2613

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Charles H. Haffner*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

1-9

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

3. Service Type

☒ Certified Mail®

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☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

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JAN 13 2015
Legal Division

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 United States Fire Insurance Company
 Attn: Dee Evans
 10350 Richmond Ave., Ste. 300
 Houston, TX 77042-4348
15-0002-DIS/DRB(mt)
Cond.Adm.Ord. -01-07-15

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

A CITY, OK 8666-811EZ
 Postmark Here
 JAN 29 2015

PS Form 3800, July 2014 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: United States Fire Insurance Company Attn: Dee Evans 10350 Richmond Ave., Ste. 300 Houston, TX 77042-4348 15-0002-DIS/DRB(mt) Cond.Adm.Ord. -01-07-15 2. Article Number (Transfer from service label)	A. Signature X <i>DEE</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>LETSON</i> C. Date of Delivery <i>1-2-15</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below; ☐ No RECEIVED OKLAHOMA INSURANCE DEPARTMENT JAN 29 2015 3. Service Type ☒ Certified Mail® ☐ Priority Mail Express™ ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery 4. Restricted Delivery? (Extra Fee) ☐ Yes

7014 2870 0000 5493 2620

PS Form 3811, July 2013 Domestic Return Receipt