

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

FILED
FEB 18 2015
INSURANCE COMMISSIONER
OKLAHOMA

**STATE OF OKLAHOMA, ex rel. JOHN D.
DOAK, Insurance Commissioner;**

Petitioner,

vs.

**MORTON CLARK, a licensed bail bondsman
in the State of Oklahoma,**

AND

**AMERICAN CONTRACTORS INDEMNITY
COMPANY, an insurance company licensed to
act as bail surety in the State of Oklahoma,**

Respondents.

CASE NO. 15-0166-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 Morton Clark ("Clark") is a licensed bail bondsman in the State of Oklahoma holding license number 100181052.

3. Respondent American Contractors Indemnity Company ("ACIC") is an insurance company licensed to act as bail surety in the State of Oklahoma holding NAIC number 10216.

FINDINGS OF FACT

1. On or about July 29, 2014, an appearance bond was executed as follows:

Defendant:	Adrian Barron Solis
Case Number(s):	CM-2013-3646
City/County:	Oklahoma County Court Clerk
Insurer:	American Contractors Indemnity Company
Bondsman:	Morton Clark
Power Number(s):	A2-2102528
Bond Amount(s):	\$500

2. On October 8, 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 October 13, 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. Clark's copy of the Order and Judgment of Forfeiture was received on October 17, 2014.

4. ACIC's copy of the Order and Judgment of Forfeiture was received on October 17, 2014.

5. The ninetieth (90th) day after receipt of the Order and Judgment of Forfeiture by Respondents was Thursday, January 15, 2015.

6. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Friday, January 16, 2015.

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 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.

ORDER

IT IS THEREFORE ORDERED that Morton Clark and American Contractors Indemnity 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 American Contractors Indemnity 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 American Contractors Indemnity 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 10th day of February, 2015.



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

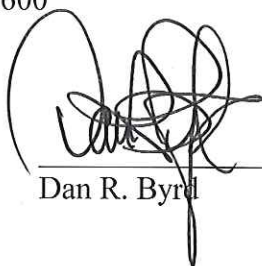
I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to Be Heard* was mailed certified, return receipt requested, on this 18th day of February, 2015, to:

Morton Clark
523 Foster PL
Midwest City, OK 73110

**CERTIFIED MAIL NO:
7014 2870 0000 5493 4396**

American Contractors Indemnity Company
601 South Figueroa Street, Suite 1600
Los Angeles, CA 90017-5721

**CERTIFIED MAIL NO:
7014 2870 0000 5493 4402**



Dan R. Byrd

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com®.

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Restricted Delivery Fee
(Endorsement Required)

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Sent To

Street & Apt. No.,
or PO Box No.

City, State, ZIP+4

Morton Clark
523 Foster PL.
Midwest City, OK 73110
15-0166-DIS/DRB(mt)
(Cond.Adm.Ord. ~2-18-15)

PS Form 3800, July 2014

See Reverse for Instructions

7014 2870 0000 5493 4396

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:

Morton Clark
523 Foster PL.
Midwest City, OK 73110
15-0166-DIS/DRB(mt)
(Cond.Adm.Ord. ~2-18-15)

2. Article Number
(Transfer from service label)

7014 2870 0000 5493 4396

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Morton Clark B. Date of Delivery FEB 21 2015

C. Signature [Signature] ☐ Agent ☐ Addressee

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

OKLAHOMA CITY
OK 11 12
FEB 18 2015

American Contractors Indemnity
Company
601nSouth Figueroa Street, Suite 1600
Los Angeles, CA 90017-5721
15-0166-DIS/DRB(mt)
(Cond.Adm.Ord. ~2-18-15)

PS Form 3800, July 2014

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(Cond.Adm.Ord. ~2-18-15)

2. Article Number

(Transfer from service label)

7014 2870 0000 5493 4402

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

2-24-15

C. Signature

X

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Agent

☐ Addressee

☐ Yes

☐ No

MAR 03 2015

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes