

FILED
MAR 20 2015
INSURANCE COMMISSIONER
OKLAHOMA

CASE NO. 15-0290-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.

2. Respondent Tanya Arbertha (“Arbertha”) is a licensed bail bondsman in the State of Oklahoma holding license number 40118051. Arbertha’s license was suspended on December 10, 2014.

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.

1. On or about October 26, 2014, an appearance bond was executed as follows:

Defendant:	Eddie Garay
Case Number(s):	CF-2014-586
City/County:	Payne County Court Clerk
Insurer:	American Contractors Indemnity Company
Bondsman:	Tanya Arbertha
Power Number(s):	A5-2228678
Bond Amount(s):	\$5000

2. On November 17, 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 November 17, 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. Arbertha's copy of the Order and Judgment of Forfeiture was returned.

4. ACIC's copy of the Order and Judgment of Forfeiture was received on November 20, 2014.

5. The ninetieth (90th) day after receipt of the Order and Judgment of Forfeiture by Respondents was Wednesday, February 18, 2015.

6. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Thursday, February 19, 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 Tanya Arbertha 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 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 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'**

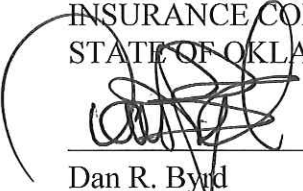
actions alleged herein and any defenses thereto.

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 20th day of March, 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

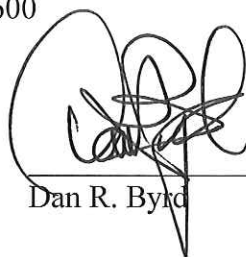
I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to Be Heard* was mailed certified, return receipt requested, on this 20th day of March, 2015, to:

Tanya Arbertha
402 S. Benjamin St.
Stillwater, OK 74074-3711

**CERTIFIED MAIL NO:
7014 2870 0000 5492 9002**

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

**CERTIFIED MAIL NO:
7014 2870 0000 5492 9019**



Dan R. Byrd

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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or PO Box No.

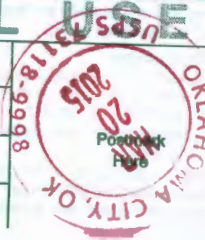
City, State, ZIP+4

Tanya Arbertha
402 S. Benjamin St.
Stillwater, OK 74074-3711
15-0290-DIS/DRB(mt)
(Cond.Adm.Ord.~3-20-15)

PS Form 3800, July 2014

See Reverse for Instructions

7014 2870 0000 5492 9002



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:

Tanya Arbertha
402 S. Benjamin St.
Stillwater, OK 74074-3711
15-0290-DIS/DRB(mt)
(Cond.Adm.Ord.~3-20-15)

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

MAR 26 2015

LEGAL DIVISION

2. Article Number

(Transfer from service label)

7014 2870 0000 5492 9002

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Tanya Arbertha

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail®

☐ Priority Mail Express™

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

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Restricted Delivery Fee (Endorsement Required)	

Total Postage & American Contractors Indemnity Company
 601 South Figueroa Street, Suite 1600
 Los Angeles, CA 90017-5721
 15-0290-DIS/DRB(mt)
 (Cond.Adm.Ord.~3-20-15)

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

PS Form 3800, July 2014 See Reverse for Instructions

OKLAHOMA CITY, OK
 MAR 20 2015
 118-9998
 Postmark Here

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:

American Contractors Indemnity Company
 601 South Figueroa Street, Suite 1600
 Los Angeles, CA 90017-5721
 15-0290-DIS/DRB(mt)
 (Cond.Adm.Ord.~3-20-15)

2. Article Number
 (Transfer from service label)

7014 2870 0000 5492 9019

PS Form 3811, July 2014 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☐ Addressee

X

B. Received by (Printed Name)

C. Date of Delivery
 3-23-15

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

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT
 MAR 30 2015
 Legal Division