

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

FILED
SEP 17 2015
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,
Petitioner,
vs.
PHILLIP EGGENBERG, a licensed bail bondsman in the State of Oklahoma,
AND
SENECA INSURANCE COMPANY, INC. an insurance company licensed to act as bail surety in the State of Oklahoma,
Respondents.

CASE NO. 15-0835-DIS

NOTICE OF HEARING AND ORDER TO SHOW CAUSE

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 Bail Bond Act, 59 O. S. §§ 1301-1340.
2. The Insurance Commissioner, pursuant to 59 O.S. § 1311.1(E), upon written request reasonably made by the licensed bondsman affected by the hearing, and at such bondsman's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.
3. The Insurance Commissioner, pursuant to 59 O.S. § 1311.1(B), has appointed an independent hearing examiner who shall sit as a quasi-judicial officer.
4. Respondent Phillip Eggenberg ("Eggenberg") is a licensed bail bondsman in the State

of Oklahoma holding license number 199952.

5. Respondent Seneca Insurance Company, Inc. ("SICI") is an insurance company licensed to act as bail surety in the State of Oklahoma holding NAIC number 10936.

ALLEGATIONS OF FACT

1. On or about January 9, 2015, an appearance bond was executed as follows:

Defendant:	Michael Dwayne Royal
Case Number(s):	CF-2014-8748
City/County:	Oklahoma County Court Clerk
Surety:	Seneca Insurance Company, Inc.
Bondsman:	Phillip Eggenberg
Power Number(s):	S11-02307220
Bond Amount(s):	\$6500

2. On March 12, 2015, the Defendant failed to appear, and the bond was orally declared forfeited. An Order and Judgment of Forfeiture was filed by the court on March 20, 2015. 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. Eggenberg received a copy of the Order and Judgment of Forfeiture on April 9, 2015.

4. SICI received a copy of the Order and Judgment of Forfeiture on March 24, 2015.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Monday, June 8, 2015.

6. The bond forfeiture was exonerated after the ninety-first (91st) day of receipt of the Order and Judgment of Forfeiture by Respondents by the Oklahoma County District Court on August 10, 2015.

7. 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.

8. The bond was reported.

ALLEGED VIOLATIONS OF LAW

1. The allegations are found to be true and correct, and Respondents have violated 59 O.S. § 1332 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. Respondents have violated 59 O.S. § 1310(A)(2) by violating a law of this state relating to bail.

3. 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

WHEREFORE, Respondents are hereby given notice of a hearing to be held at 9:00 o'clock a.m., on the 7th day of October, 2015, at the Office of the Insurance Commissioner, 3625 NW 56th St., Suite 100, Oklahoma City, OK 73112, to determine if there are any reasons why Respondents' license in the State of Oklahoma should not be suspended or revoked and why a fine should not be imposed and other appropriate penalties in 59 O.S. § 1310 imposed. The proceedings shall be conducted in accordance with the Oklahoma Bail Bond Act, OKLA. STAT. tit. 59 §§ 1301 et seq., and the Oklahoma Administrative Procedures Act, OKLA. STAT. tit. 75, §§ 250 et seq.

WITNESS My Hand and Official Seal this 17th day of September, 2015.



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.

Dan R. Byrd
Assistant General Counsel
3625 NW 56th St., Suite 100
Oklahoma City, OK 73112-4511
Tel. (405) 522-6330
Fax (405) 522-0125

CERTIFICATE OF MAILING

I, Dan R. Byrd, hereby certify that a true and correct copy of the above and foregoing *Notice of Hearing and Order to Show Cause* was mailed via certified mail with return receipt requested on this 17th day of September, 2015, to:

Michael W. Noland
435 North Walker Avenue, Suite 105
Oklahoma City, OK 73102
Attorney for Phillip Eggenberg

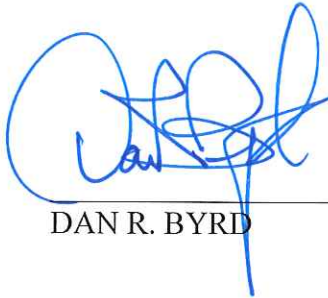
**CERTIFIED MAIL NO:
7015 0640 0004 4933 4721**

Phillip Eggenberg
220 Lake Murray Dr.
Ardmore, OK 73401

**CERTIFIED MAIL NO:
7015 0640 0004 4933 4738**

Seneca Insurance Company, Inc.
160 Water Street, 16th Floor
New York, NY 10038

**CERTIFIED MAIL NO:
7015 0640 0004 4933 4745**



DAN R. BYRD

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Michael W. Noland
 435 North Walker Avenue, Suite 105
 Oklahoma City, OK 73102
 Attorney for Phillip Eggenberg
15-0835-DIS/DRB(mt)
(NOH & Ord. To Show Cause-9-17-15)

PS Form 3800, April 2015 PSN 7530-02-000-8047 See Reverse for Instructions

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- Complete items 1, 2, and 3.
- 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:

Michael W. Noland
 435 North Walker Avenue, Suite 105
 Oklahoma City, OK 73102
 Attorney for Phillip Eggenberg
15-0835-DIS/DRB(mt)
(NOH & Ord. To Show Cause-9-17-15)



9590 9403 0272 5155 1371 77

2. Article Number (Transfer from service label)
 7015 0640 0004 4933 4721

PS Form 3811, April 2015 PSN 7530-02-000-9053

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A. Signature  Agent Addressee

B. Received by (Printed Name) Michael Noland C. Date of Delivery 9/18/15

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

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 SEP 25 2015

3. Service type

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<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
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<input type="checkbox"/> Insured Mail	
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Domestic Return Receipt