

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

**FILED**  
AUG 24 2015  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. )  
DOAK, Insurance Commissioner, )  
Petitioner, )  
vs. )  
THOMAS FERGUSON, a licensed bail )  
bondsman in the State of Oklahoma, )  
AND )  
CRUM & FORSTER INDEMNITY COMPANY, )  
an insurance company licensed to act as bail )  
surety in the State of Oklahoma, )  
Respondents. )

CASE NO. 15-0943-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 Thomas Ferguson ("Ferguson") is a licensed bail bondsman in the State of Oklahoma holding license number 199725.

3. Respondent Crum & Forster Indemnity Company ("CFIC") is an insurance company licensed to act as bail surety in the State of Oklahoma holding NAIC number 31348.

**FINDINGS OF FACT**

1. On or about February 23, 2015, an appearance bond was executed as follows:

Defendant:	Jeremy Ryan Pritchett
Case Number(s):	CF-2014-7785
City/County:	Oklahoma County Court Clerk
Surety:	Crum & Forster Indemnity Company
Bondsman:	Thomas Ferguson
Power Number(s):	C5-70167695
Bond Amount(s):	\$2000

2. On April 23, 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 May 4, 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. Ferguson received a copy of the Order and Judgment of Forfeiture on May 5, 2015.

4. CFIC received a copy of the Order and Judgment of Forfeiture on May 7, 2015.

5. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture by Respondents was Tuesday, August 4, 2015.

6. As of the date of this Order, the bond forfeiture has not been paid or otherwise set aside or the bond exonerated.

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.

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.

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 Thomas Ferguson and Crum & Forester Indemnity Company are each **CENSURED** and **FINED** Four Hundred Dollars (\$400.00).

**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 Crum & Forster 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 Crum & Forster 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 56<sup>th</sup> 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 31<sup>st</sup> day following the receipt of the Order, and the fines ordered herein shall be due.**

WITNESS My Hand and Official Seal this 24<sup>th</sup> day of August, 2015.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
\_\_\_\_\_  
Dan R. Byrd  
Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 522-6330  
Fax (405) 522-0125



**CERTIFICATE OF MAILING**

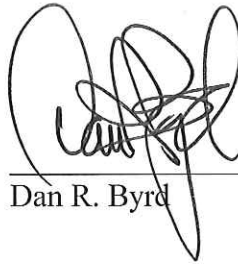
I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to Be Heard* was mailed certified, return receipt requested, on this 24<sup>th</sup> day of August, 2015, to:

Thomas Ferguson  
1525 NW 40<sup>th</sup> St.  
Oklahoma City, OK 73118

**CERTIFIED MAIL NO:  
7015 0640 0004 4933 3816**

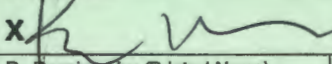
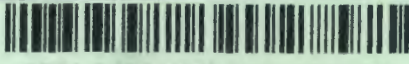
Crum & Forster Indemnity Company  
c/o Fairmont Specialty  
Attn: Dee Evans  
10350 Richmond Ave., Suite 300  
Houston, TX 77042

**CERTIFIED MAIL NO:  
7015 0640 0004 4933 3823**

  
\_\_\_\_\_  
Dan R. Byrd

7015 0640 0004 4933 3816

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1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; margin: 5px;">           Thomas Ferguson            1525 NW 40TH St.            Oklahoma City, OK 73118            15-0943-DEN/DRB(mt)            (Cond.Adm.Ord.~8-24-15)         </div>	B. Received by (Printed Name) _____ C. Date of Delivery _____
2. Article Number (Transfer from service label) 7015 0640 0004 4933 3816	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
 9590 9403 0272 5155 1311 82	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)
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c/o Fairmont Specialty  
Attn: Dee Evans  
10350 Richmond Ave., Suite 300  
Houston, TX 77042  
15-0943-DEN/DRB(mt)  
(Cond. Adm. Ord. ~8-24-15)

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Legal Division

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