

3. Respondent Earl Eugene "Gene" Points ("Points") is a licensed bail bondsman in the state of Oklahoma holding license number 200113 and the Managing General Agent ("MGA") for Indiana Lumbermens Mutual Insurance Company with his place of business located at Advantage Bail Bonds, 313 State Street, Muskogee, Oklahoma.

4. Respondent Indiana Lumbermens Mutual Insurance Company ("Lumbermens") is a licensed surety in the State of Oklahoma holding NAIC number 14265.

5. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to *59 O.S. § 1310 and 36 O.S. § 908*.

6. Pursuant to *59 O.S. § 1310(B)*, in addition to any potential denial, censure, suspension, or revocation, any person violating any provision of the Oklahoma Bail Bond Act 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.

7. Pursuant to *36 O.S. § 908*, the Insurance Commissioner may, if the Commissioner finds that any person or organization has violated the provisions of any statute for which the Commissioner has jurisdiction, impose a penalty of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for each such violation. Such penalties may be in addition to any other penalty provided by law.

STIPULATIONS OF FACT

1. On or about May 20, 2014, an appearance bond was executed as follows:

| | |
|------------------|---|
| Defendant: | Duane Schaff |
| Case Number(s): | CF-2014-137 |
| City/County: | Texas County |
| Surety: | Indiana Lumbermens Mutual Insurance Co. |
| Bondsman: | Cassandra Mounger |
| Power Number(s): | 787632 |
| Bond Amount(s): | \$50,000.00 |

2. On or about May 20, 2014, an appearance bond was executed as follows:

| | |
|------------------|--|
| Defendant: | Cherie Ramos-Delgado |
| Case Number(s): | CF-2014-138 |
| City/County: | Texas County |
| Surety: | Indiana Lumbersmens Mutual Insurance Co. |
| Bondsman: | Cassandra Mounger |
| Power Number(s): | 787633 |
| Bond Amount(s): | \$50,000.00 |

3. Prior to the above referenced bonds being executed, Points traveled to Arizona to obtain the premium charged on each bond, travel expenses, and cash collateral from Anthony Scott Craighill.

4. On May 19, 2014, Points received Ten Thousand Dollars (\$10,000.00) from Mr. Craighill for the premiums on both bonds – Five Thousand Dollars (\$5,000.00) each, and Three Thousand Dollars (\$3,000.00) for travel expenses. In addition to the premiums and travel expenses, Points received One Hundred Thousand Dollars (\$100,000.00) cash as the collateral for the above referenced bonds – Fifty Thousand Dollars (\$50,000.00) each from Mr. Craighill.

5. On both appearance bonds, Mounger indicated that Five Thousand Dollars (\$5,000.00) in premium was received for each bond and the other security received was a promissory note issued by Teresa Sunderland. Mounger failed to list the cash collateral received for the referenced bonds on the appearance bond, and failed to list the cash collateral received on the undertaking by affidavit.

6. Mounger filed her Indiana Lumbersmens Mutual Insurance Company Monthly Bail Bond Statement for May 2014. On the Monthly statement she indicated no collateral was received for the referenced bonds.

7. Lumbersmens failed to report the cash collateral for the referenced bonds on its May 2014 Monthly Bail Bond Statement.

8. Both defendants plead in the above referenced matters on or about February 29, 2016, and the court exonerated both bonds on that same date.

9. Mounger discharged the two appearance bonds on her March 2016 Monthly Bail Bond Statement to the Department. On February 1, 2017, the full amount of the collateral at issue was returned to Mr. Craighill by Points.

CONCLUSIONS OF LAW

1. Respondents have violated *59 O.S. § 1310 (A)(2)* for violation of any laws of this state.
2. Points violated *59 O.S. § 1310(A)(21)* by accepting anything of value from a principal other than the premium when he accepted travel expense reimbursement from Mr. Craighill.
3. Mounger violated *59 O.S. § 1314(A) and O.A.C. 365:25-5-39* by failing to list the collateral on the undertaking by affidavit.
4. Mounger violated *59 O.S. § 1314(B)* by failing to indicate the cash collateral received for both referenced bonds on the monthly report.
5. Lumbermens violated *36 O.S. § 4904(C)* by failing to list the cash collateral held by insurer stating the location of the collateral, the corresponding county involved, the case number and the bondsman soliciting the bond.


ORDER AND CONSENT

IT IS THEREFORE ORDERED by the Insurance Commissioner and CONSENTED to by the Respondents that they shall be and hereby is fined in the amount of Two Thousand Dollars (\$2,000.00) each. The fines are to be paid immediately.

WITNESS My Hand and Official Seal this 22nd day of February, 2017.

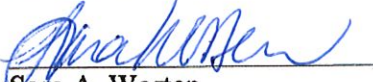


JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

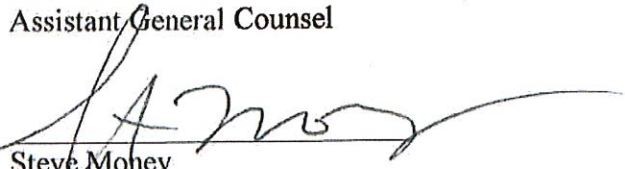


JOHN D. MILLER
Hearing Examiner

APPROVED:



Sara A. Worten
Assistant General Counsel



Steve Mohey
Attorney for Respondents
Indiana Lumbers Mutual Insurance Company
Earl Eugene "Gene" Points
Cassandra Mounger

CERTIFICATE OF MAILING

I, hereby certify that a true and correct copy of the above and foregoing Consent Order was mailed postage prepaid with return receipt requested on this 23rd day of February, 2017, to:

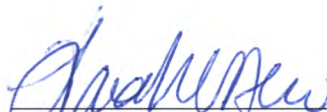
Stephen Money
Meaghan McPherson
430 Court Street
Muskogee, OK 74401
Attorney for Respondents

7016 0910 0000 8401 1020

CERTIFIED MAIL NO. _____

and a copy was delivered to:

Lewis Garrison
Bail Bonds Division



Sara A. Worten

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Adult Signature Restricted Delivery \$ _____

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Stephen Money
 Meaghan McPherson
 430 Court Street
 Muskogee, OK 74401
 Attorney for Respondents
 16-0913-DIS/SAW(mt)
 (Consent Ord-2-23-17)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 0910 0000 8401 1020

SENDER: COMPLETE THIS SECTION

- 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.

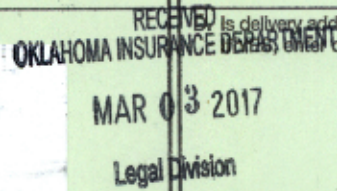
1. Article Addressed to:

Stephen Money
 Meaghan McPherson
 430 Court Street
 Muskogee, OK 74401
 Attorney for Respondents
 16-0913-DIS/SAW(mt)
 (Consent Ord-2-23-17)

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Laurea J. Higid* Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery *2-28-17*



Is delivery address different from item 1? Yes No

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9590 9402 1900 6104 3985 68

2. Article Number (Transfer from service label)
 7016 0910 0000 8401 1020

3. Service Type

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Collect on Delivery Restricted Delivery

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Insured Mail Restricted Delivery (over \$500)

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Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt