

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

**FILED**

OCT 27 2016

INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. )  
DOAK, Insurance Commissioner, )  
)  
Petitioner, )  
vs. )  
)  
**MISTY GARCIA**, 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. 16-0928-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, Sandra G. LaVenué, 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. §§ 101-7401, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1340.

2. Respondent Misty Garcia ("Garcia") is a suspended bail bondsman in the State of Oklahoma holding license number 100155619.

3. Garcia's bail bondsman license was suspended on September 15, 2016,

pursuant to the Conditional Administrative Order filed on August 16, 2016, wherein Garcia was assessed a fine in the amount of Seven Hundred and fifty dollars (\$750.00) to be paid within thirty (30) days. Garcia neither requested a hearing nor paid the fine within thirty (30) days of receipt of the Conditional Administrative Order.

4. 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.

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 1332 and 36 O.S. §§ 6103.2 and 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 can impose a penalty of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for violations of any statute over which the Commissioner has jurisdiction.

8. If Garcia or ACIC requests a hearing in writing in this matter, pursuant to OAC 365:1-7-1, the Insurance Commissioner, pursuant to 36 O.S. § 319, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over

the hearing.

9. The Insurance Commissioner, pursuant to *OAC 365:1-7-5*, upon written request reasonably made by a person affected by the hearing and at such person's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.

### **ALLEGATIONS OF FACT**

10. On or about January 2, 2016, an appearance bond was executed as follows:

Defendant:	Thomas Allen Haze
Case Number(s):	CM-2016-5
City/County:	Payne County
Surety:	American Contractors Indemnity Company
Bondsman:	Misty Garcia
Power Number(s):	A15-2206306
Bond Amount(s):	\$2,500.00

11. On February 5, 2016, the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued and filed in the case on February 16, 2016, by the Payne County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Garcia and ACIC with return receipt requested within thirty (30) days after the Order's filing.

12. Garcia received a copy of the Order and Judgment of Forfeiture on March 17, 2016.

13. ACIC received a copy of the Order and Judgment of Forfeiture on March 15, 2016.

14. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of

Forfeiture was June 16, 2016.

15. On June 16, 2016, the Payne County District Court issued an Order Granting Extension for 60 days to August 15, 2016.

16. As of August 15, 2016, the forfeiture was neither paid nor the defendant timely returned to custody.

17. The forfeiture was paid approximately forty three (43) days late on September 27, 2016.

### **ALLEGED VIOLATIONS OF LAW**

18. Respondents Garcia and ACIC have violated 59 O.S. § 1332 by failing to return the Defendant to custody 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.

19. Pursuant to 59 O.S. § 1310(B), any bondsman violating a provision of the Bail Bond Act, 59 O.S. §§ 1301-1340, may be subject to a fine of not less than \$250.00 but not more than \$2,500.00 per violation.

20. Pursuant to 36 O.S. § 908, any insurance company violating any provision of the Insurance Code 36 O.S. §§ 101 *et seq.*, may be subject to a fine of not less than \$100.00 but not more than \$5,000.00 per violation.

### **ORDER**

**IT IS THEREFORE ORDERED** that Garcia and ACIC are **each FINED Four Hundred Dollars (\$400.00)**. **The fines are to be paid within thirty (30) days of the date of this Conditional Administrative Order and made payable to the Oklahoma**

**Insurance Department. Failure to comply with a proper order of the Commissioner may result in further administrative action.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless either Garcia or ACIC requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of this Order, the penalties set forth above shall become a Final Order on the thirty-first (31<sup>st</sup>) day following the date of mailing this Order. A request for hearing should be in writing and addressed to Sandra LaVenue, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order and shall be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *through* 324. If either Garcia or ACIC serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as a notice of the matters to be reviewed at the hearing and the Allegations of Fact, Alleged Violations of Law, and penalties imposed in this Conditional Order shall be considered withdrawn, pending final resolution at the hearing

WITNESS My Hand and Official Seal this 27<sup>th</sup> day of October, 2016.

JOHN D. DOAK  
INSURANCE COMMISSIONER



STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Sandra LaVenue", is written over a horizontal line.

Sandra LaVenue  
Senior Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 521-2746  
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 by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 27th day of October 2016, to:

Misty Garcia  
P.O. Box 1687  
Stillwater, OK 74076


**CERTIFIED MAIL NO.** 7016 0910 0000 5833 6395

American Contractors Indemnity Company  
601 S. Figueroa St.  
Los Angeles, CA 90017

**CERTIFIED MAIL NO.** 7016 0910 0000 5833 6401

and a copy was delivered to:

Anna Denman  
Bail Bonds Division



Sandra LaVenu  
Senior Counsel

7016 0910 0000 5833 6401

U.S. Postal Service™  
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Postage and Fees	\$

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

American Contractors Indemnity  
Company  
601 S. Figueroa St.  
Los Angeles, CA 90017  
**sms/16-0928-DIS/Cond Ord**

PS Form 3800, April 2015 PSN

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:

American Contractors Indemnity  
Company  
601 S. Figueroa St.  
Los Angeles, CA 90017  
**sms/16-0928-DIS/Cond Ord**



9590 9402 1736 6074 9342 82

2. Article Number (Transfer from service label)

7016 0910 0000 5833 6401

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
X JS  Agent  Addressee

B. Received by (Printed Name) C. Delivery  
J Sealed 9/10/16

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

RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT  
NOV 04 2016  
Legal Division

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<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™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

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

Domestic Return Receipt



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 Return Receipt (electronic) \$  
 Certified Mail Restricted Delivery \$  
 Adult Signature Required \$  
 Adult Signature Restricted Delivery \$  
 Postage \$

Total Postage and Fees \$

Sent To \_\_\_\_\_  
 Street and Apt. No., or PO Box # \_\_\_\_\_  
 City, State, ZIP+4® \_\_\_\_\_

Misty Garcia  
 P.O. Box 1687  
 Stillwater, Oklahoma 74076  
 sms/16-0928-DIS/Cond Ord

PS Form 3800, April 2015 PSN

**N. D. DOAK**  
**Finance Commissioner**  
 Oklahoma Insurance Department  
 Corporate Plaza  
 N.W. 56th St., Ste. #100  
 Oklahoma City, OK 73112-4511

RECEIVED  
 OKLAHOMA INSURANCE DEPARTMENT  
 NOV 22 2016  
 Legal Division

**CERTIFIED MAIL®**



7026 0910 0000 5833 6395

Misty Garcia  
 P.O. Box 1687  
 Stillwater, Oklahoma 74076



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 73112>4511

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RETURN TO SENDER  
 UNCLAIMED  
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\*2557-04659-17-3



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NEOPOST  
 10/27/2016  
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2016 NOV 21 AM 11

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 Extra Services & Fees (check box, add fee as appropriate)  
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 Adult Signature Restricted Delivery \$  
 Postage \$

Total Postage and Fees \$  
 Sent To Misty Garcia  
 P.O. Box 1687  
 Stillwater, Oklahoma 74076  
 City, State, ZIP+4® sms/16-0928-DIS/Cond Ord

PS Form 3800, April 2015 PSN

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**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.

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**OKLAHOMA INSURANCE DEPARTMENT**  
 sms/16-0928-DIS/Cond Ord



9590 9402 1736 6074 9342 75

2. Article Number (Transfer from service label)

7016 0910 0000 5833 6395

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X  
 Agent

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

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 OKLAHOMA INSURANCE DEPARTMENT

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 Registered Mail Restricted Delivery  
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 Signature Confirmation Restricted Delivery  
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 Insured Mail (over \$500)  
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 Signature Confirmation™  
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Domestic Return Receipt