

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

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

FILED

OCT 28 2016

INSURANCE COMMISSIONER
OKLAHOMA

CASE NO. 16-0980-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. LaVenue, 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. §§ 1301-1341.

2. Respondent Stacy French ("French") is a revoked bail bondsman in the State of Oklahoma.

3. Respondent, Seneca Insurance Company ("Seneca") is an insurance company licensed to act as bail surety in the state of Oklahoma holding NAIC number

10936.

4. 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*.

5. 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.

6. 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.

7. If Seneca 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 requested by Respondent.

8. 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

9. On or about April 6, 2015, an appearance bond was executed as follows:

Defendant: Kendric Brady
Case Number(s): CF-2010-5553
City/County: Oklahoma County
Surety: Seneca Insurance Company
Bondsman: Stacy French
Power Number(s): S11 02378417
Bond Amount(s): \$10,000.00

10. On May 31, 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 June 15, 2016, by the Oklahoma County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to French and Seneca with return receipt requested within thirty (30) days after the Order's filing.

11. French's receipt for certified mail was returned to sender unclaimed. As such, French did not receive notice of the herein referenced forfeiture.

12. Seneca received a copy of the Order and Judgment of Forfeiture prior to July 1, 2016.

13. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was September 29, 2016.

14. The forfeiture was paid late on October 17, 2016, approximately 18 days after the forfeiture was due.

ALLEGED VIOLATIONS OF LAW

15. Seneca has 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.

16. Pursuant to 59 O.S. § 1310(B), any bondsman violating a provision of the

Bail Bond Act, 59 O.S. §§ 1301-1341, may be subject to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) but not more than Two Thousand and Five Hundred Dollars (\$2,500.00) per violation.

17. Pursuant to 36 O.S. § 908, any insurance company violating any provision of any statute for which the Commissioner has jurisdiction may be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) per violation.

ORDER

IT IS THEREFORE ORDERED that Seneca is **FINED Two Hundred and Fifty Dollars (\$250.00)**. The fine is 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.

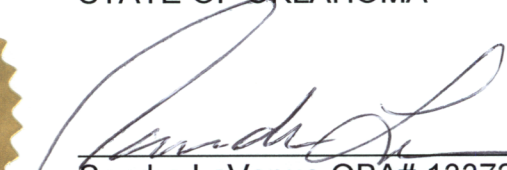
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless Seneca requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of this Order, the penalties set forth above shall become a Final Order on the thirty-first (31st) 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 56th 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.*, the Oklahoma Bail Bond Act, 59 O.S. § 1311.1 and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *through* 324. If Seneca 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 28th day of October, 2016.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


Sandra LaVenue OBA# 13372
Senior Counsel
3625 NW 56th 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 28th day of October 2016, to:

Seneca Insurance Company
160 Water Street
New York, NY 10038

CERTIFIED MAIL NO. 7016 0910 0000 5833 6456

and a copy was delivered to:

Anna Denman
Bail Bonds Division



Sandra LaVenu
Senior Counsel

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

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
 \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

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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®

Seneca Insurance Company
 160 Water Street
 New York, NY 10038
sms/16-0980-DIS/Cond Ord

PS Form 3800, April 2015 PSN 7530-02-000-9047

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:

Seneca Insurance Company
 160 Water Street
 New York, NY 10038
sms/16-0980-DIS/Cond Ord



2. Article Number (Transfer from service label)
7016 0910 0000 5833 6456

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X _____ Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

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

RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT
 NOV 09 2016
 Legal Division

3. Service Type

Adult Signature Priority Mail Express®

Adult Signature Restricted Delivery Registered Mail™

Certified Mail® Registered Mail Restricted Delivery

Certified Mail Restricted Delivery Return Receipt for Merchandise

Collect on Delivery Signature Confirmation™

Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery

Insured Mail

Insured Mail Restricted Delivery (over \$500)

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

Domestic Return Receipt