



Oklahoma holding NAIC number 14265.

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 Gaines or Lumbermens 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 2, 2016, an appearance bond was executed as follows:

Defendant: Michael Shane Seller  
Case Number(s): CF-2016-1573  
City/County: Tulsa County  
Surety: Indiana Lumbermens Mutual Insurance  
Company  
Bondsman: Casey Gaines  
Power Number(s): US5 614869  
Bond Amount(s): \$1500.00

10. On July 1, 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 July 12, 2016, by the Tulsa County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Gaines and Lumbermens with return receipt requested within thirty (30) days after the Order's filing.

10 Gaines received a copy of the Order and Judgment of Forfeiture on July 18, 2016.

11. Lumbermens received a copy of the Order and Judgment of Forfeiture on July 19, 2016.

12. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture was October 17, 2016.

13. As of October 27, 2016, the forfeiture has not been paid nor has the defendant been timely returned to custody.

#### **ALLEGED VIOLATIONS OF LAW**

14. Gaines and Lumbermens have both 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.

15. 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.

16. 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 Gaines and Lumbermens 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** that the face amount of the bond forfeiture shall be deposited with the Tulsa County Court Clerk (or the bond forfeiture otherwise set aside or the bond exonerated) in Tulsa County case number CF-2016-1573 State of Oklahoma v. Michael Shane Seller within thirty (30) days of receipt of this Order. Failure to do so shall result in the **CANCELLATION** of Indiana Lumbermens Mutual Insurance Company license privilege and authorization to do business within the State of Oklahoma and **CANCELLATION** of the surety appointment of all surety bondsman agents of Indiana Lumbermens Mutual Insurance Company. Additionally, Gaines' surety bondsman's license shall be suspended until such time as the fines related to

Gaines are paid and the forfeiture is satisfied.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless either Gaines or Lumbermens 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 LaVene, 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 Gaines or Lumbermens 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 28<sup>th</sup> day of October, 2016.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

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 28<sup>th</sup> day of October 2016, to:

Casey Gaines  
906 S. Cheyenne Ave.  
Tulsa, OK 74119-1806

**CERTIFIED MAIL NO.** 7016 0910 0000 5833 6432

Indiana Lumbermens Mutual Insurance Company  
2005 Market St. Ste 1200  
Philadelphia, PA 19103-7008

**CERTIFIED MAIL NO.**

and a copy was delivered to: 7016 0910 0000 5833 6449

Anna Denman  
Bail Bonds Division

  
\_\_\_\_\_  
Sandra LaVenue  
Senior Counsel

7016 0910 0000 5833 6449

**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:

Indiana Lumbermens Mutual  
Insurance Company  
2005 Market St., Suite 1200  
Philadelphia, PA 19103-7008  
sms/16-0989-DIS/Cond Ord



9590 9402 1736 6074 9343 12

2. Article Number (Transfer from service label)

7016 0910 0000 5833 6449

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 JOHN POINS 10-31-16

Delivery address different from item 1?  Yes  
 No  
 If Yes, enter delivery address below:

OKLAHOMA INSURANCE DEPARTMENT

NOV 03 2016

Legal Division

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery



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  - Adult Signature Required \$
  - Adult Signature Restricted Delivery \$



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Total Postage and Fees

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City, State, ZIP+4®

Indiana Lumbermens Mutual  
 Insurance Co  
 2005 Market St., Suite 1200  
 Philadelphia, PA 19103-7008  
 sms/16-0989-DIS/Cond Ord

PS Form 3800, April 2015 PSN 7530-02-000-9053

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**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

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

1. Article Addressed to:  
 Indiana Lumbermens Mutual Insurance Co  
 2005 Market St., Suite 1200  
 Philadelphia, PA 19103-7008  
 sms/16-0989-DIS/Cond Ord

address different from item 1?  Yes  
 No  
 If YES, enter delivery address below:



9590 9402 1736 6074 9343 29

2. Article Number (Transfer from service label)  
 7016 0910 0000 5833 6432

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

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

Domestic Return Receipt

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