# BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.	FILED
DOAK, Insurance Commissioner,	FILED MAR 2 2 2017
Petitioner, ) vs.	IMAR 22 2017 INSURANCE COMMISSIONER OKLAHOMA
MISTY DAWN GARCIA, a suspended bail Bondsman in the State of Oklahoma,	CASE NO. 17-0058-DIS
and )	
AMERICAN CONTRACTORS )	
INDEMNITY COMPANY, an insurance company licensed to act as bail surety in the state of Oklahoma,	
Respondent.	

### **CONSENT ORDER**

**COMES NOW** the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, and the Respondent American Contractors Indemnity Company ("Respondent" or "ACIC") and enter into this Consent Order.

## **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 et seq. and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301 et seq.
- 2. 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.
- 3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 36 O.S. § 619.

4. Respondent has been apprised of its rights including the right to a public hearing and has knowingly and freely waived said rights and entered into this Consent Order as a voluntary settlement of the issues and questions raised in the above captioned case.

## STIPULATIONS OF FACT

5. On or about December 12, 2015, an appearance bond was executed as follows:

Defendant: Robert Andrew Tubbs

Case Number(s): CM-1998-1362 City/County: Payne County

Surety: American Contractors Indemnity Company

Bondsman: Misty Dawn Garcia

Power Number(s): A7-2295925 Bond Amount(s): \$1,000.00

- 6. On July 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 July 5, 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.
- 7. Garcia received a copy of the Order and Judgment of Forfeiture on August 22, 2016.
- 8. ACIC received a copy of the Order and Judgment of Forfeiture on August 22, 2016.
- 9. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture was November 21, 2016.
- 10. Neither Garcia or ACIC paid the forfeiture by the ninety-first day. ACIC did pay the forfeiture and notified the Court on March 1, 2017.
  - 11. Pursuant to 36 O.S. § 619, any insurance company violating any provision of the

Insurance Code 36 O.S. §§ 101 et seq., may be subject to a civil penalty of not more than \$5,000.00 per violation.

#### **VIOLATIONS OF LAW**

12. Respondent ACIC has violated 36 O.S. § 619 by knowingly failing to comply with any lawful rule or order of the Insurance Commissioner. Specifically, Respondent ACIC knowingly violated OAC 365:25-5-41(b)(2) and 365:25-5-44 as well as 59 O.S. § 1332.

#### ORDER AND CONSENT

IT IS THEREFORE ORDERED by the Insurance Commissioner and CONSENTED to by Respondent that it be fined in the amount of Two Hundred Fifty Dollars (\$250.00) for the above described violation of the Oklahoma Bail Bond Code and the Oklahoma Insurance Code. Fine is due and payable to the Oklahoma Insurance Department within thirty (30) days after the date of this Order.

IT IS FURTHER ORDERED that this Consent Order is a voluntary settlement of the issues and questions raised in this case between the Petitioner and Respondent American Contractors Indemnity Company. A separate cause of action against Respondent Garcia remains set for hearing.



JAMESMILLS CHIEF OF STAFF APPROVED:

JULIE MEADERS

ATTORNEY FOR PETITIONER

JOSEPH ROSAS

ATTORNEY FOR RESPONDENT

# CERTIFICATE OF MAILING

I, Julie Meaders, hereby certify that a true and correct copy of the above and foregoing Consent Order was mailed on this 2200 day of March 2017, to:

Joseph Rosas
American Contractors Indemnity Company
601 S. Figueroa Street, Suite 1600
Los Angeles, CA 90017
JRosas@hccsurety.com

and a copy was delivered to:

Lewis Garrison Bail Bonds Division

Julie Meaders

Julie Meaders

Deputy General Counsel