

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
AUG 31 2017
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner,)
vs.)
)
ESMERALDA ARELLANO, a licensed bail)
bondsman in the State of Oklahoma,)
)
AND)
)
CRUM & FORSTER INDEMNITY)
COMPANY, an insurance company licensed to)
act as bail surety in the state of Oklahoma,)
)
Respondents.)

CASE NO. 17-0481-DIS

CONSENT ORDER

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, and the Respondents, Esmeralda Arellano and Crum & Forster Indemnity Company, 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. §§ 101-7301*, and the Oklahoma Bail Bond Act, *59 O. S. §§ 1301-1340*.
2. Respondent Esmeralda Arellano ("Arellano") is a licensed bail bondsman in the State of Oklahoma holding license number 200315.
3. Respondent Crum & Forster Indemnity Company ("CFIC") is an insurance company licensed to act as a bail surety in the state of Oklahoma holding NAIC number 31348.
4. 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.

5. Pursuant to 36 O.S. § 619, 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 September 10, 2016, an appearance bond was executed as follows:

Defendant:	Cardelaria Castillo Rodriguez
Case Number(s):	CF-2016-8735
City/County:	Oklahoma County
Surety:	Crum & Forster Indemnity Company
Bondsman:	Esmeralda Arellano
Power Number(s):	CF5-70235143
Bond Amount(s):	\$3,500.00

2. On or about March 9, 2017, the Defendant failed to appear and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued and filed on or about March 15, 2017, by the Oklahoma County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Arellano and CFIC with return receipt requested within thirty (30) days after the Order's filing.

3. Arellano received a copy of the Order and Judgment of Forfeiture on March 16, 2017.

4. CFIC received a copy of the Order and Judgment of Forfeiture on March 20, 2017.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture

was June 15, 2017.

6. The forfeiture was untimely paid on June 19, 2017. The defendant was not timely returned to custody.

CONCLUSIONS OF LAW

1. Arellano violated *59 O.S. 1310(A)(2) and (28)*, 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 in accordance with the provisions of *59 O.S. § 1332* and *OAC 365:25-5-40* and *365:25-5-41*.

2. 16. CFIC violated *36 O.S. § 619* by failing to comply with *OAC 365:25-5-40* and *365:25-5-41(b)(2)* and as also required by *59 O.S. § 1332*.

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 Five Hundred Dollars (\$500.00) each. The fines are to be paid within ten days of the date of this Order.

WITNESS My Hand and Official Seal this 29th day of August, 2017.






JAMES A. MILLS
Chief of Staff
Oklahoma Insurance Department
Five Corporate Plaza
3625 NW 56th St., Suite 100
Oklahoma City, OK 73112-4511

APPROVED:



Safa A. Worthen



Jeff Eulberg
Eulberg Law Office, PLLC
Attorney for Respondents

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Consent Order* was mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 31st day of August 2017, to:

Jeff Eulberg
Eulberg Law Office, PLLC
925 NW 6th Street
Oklahoma City, OK 73106

CERTIFIED MAIL NO. 9214 8902 0982 7500 0014 32

Esmeralda Arellano
2801 S. Shields Blvd.
Oklahoma City, OK 73129-2025


CERTIFIED MAIL NO. 9214 8902 0982 7500 0014 49

Crum & Forster Indemnity Company
305 Madison Avenue
Morristown, NJ 07962

CERTIFIED MAIL NO. 9214 8902 0982 7500 0014 56

and a copy was delivered to:

Lewis Garrison
Bail Bonds Division

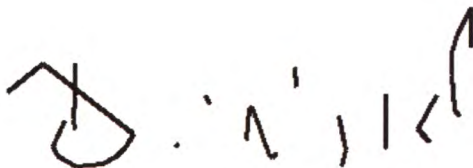

Sara A. Worten
Assistant General Counsel

Date Produced: 09/11/2017

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0014 32. Our records indicate that this item was delivered on 09/05/2017 at 10:05 a.m. in OKLAHOMA CITY, OK 73106. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



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Sincerely,
United States Postal Service

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= 248
30
278 = Thursday 10/5/17
Fine & Order due ↗

Customer Reference Number: C518809.3247715

Date Produced: 09/04/2017

OKLAHOMA INSURANCE DEPARTMENT:

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*Delivered 9/1/17 =
244
+ 30
274 = Sunday Oct Fine
Since in weekend issue
Monday 10/2/17*

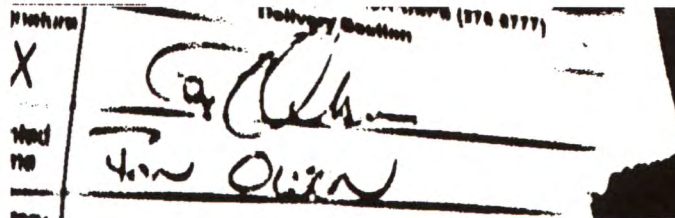
Customer Reference Number: C518809.3247716

Date Produced: 09/11/2017

OKLAHOMA INSURANCE DEPARTMENT:

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United States Postal Service

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Delivered 9/5/17 =
248
+30
278 = Thursday 10/5/17
A
Fine / odd due

Customer Reference Number: C518809.3247717