

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

FILED
AUG 08 2017
INSURANCE COMMISSIONER
OKLAHOMA

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

CASE NO. 17-0526-DIS

Respondents.

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, Sara A. Worten, 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 Debra Barry ("Barry") is a licensed bail bondsman in the State of Oklahoma holding license number 200339.
3. Respondent Seneca Insurance Company, Inc. ("SIC") is an insurance company licensed to act as a 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. § 619*.

5. If Barry or SIC requests a hearing in writing in this matter, pursuant to *OAC 365:1-7-1*, the Insurance Commissioner, pursuant to *59 O.S. § 1311.1 and 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.

6. 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

7. On or about January 22, 2017, an appearance bond was executed as follows:

Defendant:	Ramon Rodrease Byers
Case Number(s):	CF-2017-22
City/County:	Oklahoma County
Surety:	Seneca Insurance Company, Inc.
Bondsman:	Debra Barry
Power Number(s):	S11 02614112
Bond Amount(s):	\$5,000.00

8. On or about March 13, 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 21, 2017, by the Oklahoma County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Barry and SIC with return receipt requested within thirty (30) days after the Order's filing.

9. The Order and Judgment of Forfeiture was mailed by certified mail return receipt requested to Barry's address of record on March 21, 2017.

10. SIC received a copy of the Order and Judgment of Forfeiture on March 25, 2017.

11. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was June 26, 2017.

12. The bond forfeiture was untimely paid on June 30, 2017. The defendant was not timely returned to custody.

ALLEGED VIOLATIONS OF LAW

13. Barry 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*.

14. SIC 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*.

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. § 618*, any insurance company violating any provision of any statute for which the Commissioner has jurisdiction may be subject to a civil penalty of not more than Five Thousand Dollars (\$5,000.00) for each occurrence.

ORDER

IT IS THEREFORE ORDERED that Barry and SIC are each **FINED Seven Hundred Fifty Dollars (\$750.00)**. 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 Barry or SIC request a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of this Conditional 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 Sara Worten, 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.*, and the Oklahoma Administrative Procedures Act, *75 O.S. §§ 250 through 324*. If either Barry or SIC 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 8th day of August, 2017.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


Sara A. Worten

Assistant General 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 8th day of August 2017, to:

Debra Barry
P.O. Box 1785
Oklahoma City, OK 73101

BARCODE NO:
9214 8902 0982 7500 0010 81

Debra Barry
1141 N. Robinson Avenue
Suite 102
Oklahoma City, OK 73103

BARCODE NO:
9214 8902 0982 7500 0010 98

Seneca Insurance Company
160 Water Street
New York City, NY 10038

BARCODE NO:
9214 8902 0982 7500 0011 04

and a copy was delivered to:

Lewis Garrison
Renonda Stogsdill
Bail Bonds Division



Sara A. Worten
Assistant General Counsel

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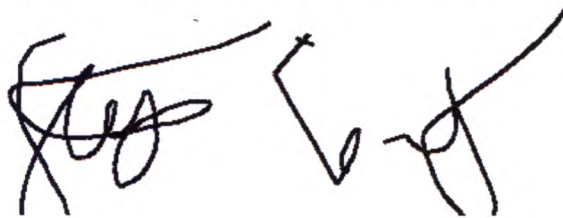
17-0526-11's
JTW

Date: August 10, 2017

Maria Torres:

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Signature of Recipient :



Address of Recipient :

1141 Aubin

Thank you for selecting the Postal Service for your mailing needs.

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United States Postal Service

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Feedback