

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

FILED

AUG 04 2017

INSURANCE COMMISSIONER
OKLAHOMA

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

CASE NO. 17-0536-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, 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 Casey Gaines (“Gaines”) was a licensed bail bondsman in the State of Oklahoma holding license number 100236801. His license was revoked by the Department on February 23, 2017.
3. Respondent Indiana Lumbermens Mutual Insurance Company, (“Lumbermens”) is an insurance company licensed to act as bail surety in the state of 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*.

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. For one (1) year after notification by the Commissioner of an alleged violation, or for two (2) years after the last day the person was licensed, whichever is the lesser period of time, the Commissioner shall retain jurisdiction as to any person who cancels his bail bondsman's license or allows the license to lapse, or otherwise ceases to be licensed, if the person while licensed as a bondsman allegedly violated any provision of this title. *59 O.S. § 1310(E)*.

7. Pursuant to *59 O.S. § 1332(D)(4)(a)*, when a forfeited bond is not paid by a surety by the ninety-first (91st) day after the court's forfeiture, the Insurance Commissioner shall immediately cancel the license privilege and authorization of the insurer to do business within the State of Oklahoma and cancel the appointment of all surety bondsman agents of the insurer who are licensed by *Section 1301 et seq.* of this title.

8. Pursuant to *36 O.S. § 619*, after opportunity for a hearing, the Insurance Commissioner may revoke or suspend an insurer's certificate of authority if the insurer violates any provision of the Insurance Code. Under *36 O.S. § 619(B)*, in addition to revocation or suspension of an insurer's certificate of authority, any insurer who knowingly and willfully violates the Code may be subject to a civil penalty of not more than Five Thousand Dollars (\$5,000.00) for each occurrence.

ALLEGATIONS OF FACT

9. On or about August 1, 2016, an appearance bond was executed as follows:

Defendant:	Larnson Leandra Robinson
Case Number(s):	CF-2016-458
City/County:	Tulsa County
Surety:	Indiana Lumbermens Mutual Insurance Company
Bondsman:	Casey Gaines
Power Number(s):	US5616970
Bond Amount(s):	\$3,000.00

10. On February 2, 2017, 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 February 7, 2017, 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.

11. Gaines received a copy of the Order and Judgment of Forfeiture on February 10, 2017.

12. Lumbermens received a copy of the Order and Judgment of Forfeiture on February 16, 2017.

13. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was May 12, 2017.

14. Advantage Services Group paid Three Thousand Dollars (\$3,000.00) with an insufficient check for the bond forfeiture on May 11, 2017. The Three Thousand Dollar (\$3,000.00) forfeiture remains unpaid to date.

ALLEGED VIOLATIONS OF LAW

15. 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.

16. Pursuant to *59 O.S. § 1310(B)*, any bondsman violating a provision of the Bail Bond Act, *59 O.S. §§ 1301-1340*, may be subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) but not more than Two Thousand Five Hundred Dollars (\$2,500.00) per violation.

17. 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 fine of not less than One Hundred Dollars (\$100.00) but not more than Five Thousand Dollars (\$5,000.00) by knowingly failing to comply with any lawful rule or order of the Insurance Commissioner. Specifically, Respondent Lumbermens knowingly violated *OAC 365:25-5-41(b)(2)* and *365:25-5-44* as well as *59 O.S. § 1332*.

ORDER

IT IS THEREFORE ORDERED that Gaines and Lumbermens are **each FINED Five Hundred Dollars (\$500.00)**. **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-2016-458 State of Oklahoma v. Larson Leandra Robinson 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.

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 (31st) day following the date of mailing this Order. A request for hearing should be in writing and addressed to Julie Meaders, 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 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 4th day of August, 2017.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Julie Meaders

Julie Meaders
Deputy General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112
Tel. (405) 521-2746

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 4~~5~~ day of August, 2017, to:

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


CERTIFIED MAIL NO. 9214 8902 0982 7500 0009 54

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

CERTIFIED MAIL NO. 9214 8902 0982 7500 0009 61

and a copy was delivered to:

Lewis Garrison
Bail Bonds Division


Julie Meaders
Deputy General Counsel



JOHN D. DOAK
Insurance Commissioner
 Oklahoma Insurance Department
 5 Corporate Plaza
 3625 NW 56th Street, Suite 100
 Oklahoma City, OK 73112-4511

RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT

AUG 15 2017
 Legal Division



JOHN D. DOAK
Insurance Commissioner
 Oklahoma Insurance Department
 5 Corporate Plaza
 3625 NW 56th Street, Suite 100
 Oklahoma City, OK 73112-4511

RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT
 AUG 15 2017
 Legal Division

CERTIFIED MAIL™

USPS CERTIFIED MAIL



9214 8902 0982 7500 0009 54

CASEY GAINES
 906 S CHEYENNE AVE
 TULSA OK 74119-1806

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 7411931806050

NIXIE 731 DE 1 08/12/17
 RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESS
 UNABLE TO FORWARD
 RC: 73112451125 *0357-14696-04-38

17-0534-08

NEOPOST FIRST-CLASS MAIL
 08/04/2017
 US POSTAGE \$000.679
 ZIP 73112
 041M11276941

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



NEOPOST FIRST-CLASS MAIL
 08/04/2017
 US POSTAGE \$005.479
 ZIP 73112
 041M11276941

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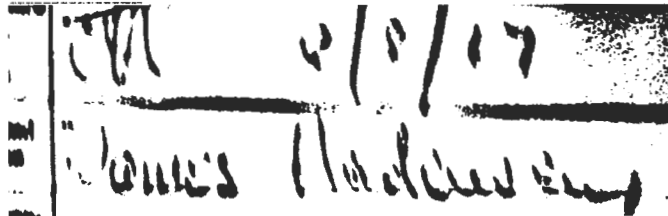
NIXIE 731 FE 1700 08/12/17
 RETURN TO SENDER
 ATTEMPTED - NOT KNOWN
 UNABLE TO FORWARD
 RC: 73112451125 *0357-14694-04-38

Date: August 10, 2017

Regina Gilbert:

The following is in response to your August 10, 2017 request for delivery information on your Certified Mail™/RRE item number 9214890209827500000961. The delivery record shows that this item was delivered on August 9, 2017 at 5:15 am in PHILADELPHIA, PA 19103. The scanned image of the recipient information is provided below.

Signature of Recipient :



8/9/17
James Henderson

Address of Recipient :



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

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service