

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

FILED  
DEC 27 2017  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,  
Petitioner,  
vs.  
PHILLIP RAY EGGENBERG, a licensed bail bondsman in the State of Oklahoma,  
and  
SENECA INSURANCE COMPANY, INC., an insurance company licensed to act as a bail surety in the State of Oklahoma,  
Respondents.

Case No. 17-0749-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, Barron B. Brown, and alleges and states as follows:

**JURISDICTION AND AUTHORITY**

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. §§ 1301-1341.
2. Respondent Phillip Ray Eggenberg (“Eggenberg”) is a licensed bail bondsman in the State of Oklahoma holding license number 1999952.
3. Respondent Seneca Insurance Company, Inc. (“Seneca”) is an insurance company licensed to act as bail surety in the State of Oklahoma (NAIC CoCode 10936).
4. Pursuant to 36 O.S. § 619(B), 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.

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 of a violation.

**ALLEGATIONS OF FACT**

1. On or about October 21, 2016, an appearance bond was executed as follows:

Defendant:	Laquita Joyce Hail
Case Number(s):	CM-2016-378
City/County:	Canadian County District Court
Surety:	Seneca Insurance Company, Inc.
Bondsman:	Phillip Ray Eggenberg
Power Number(s):	S06 02596742
Bond Amount(s):	\$4,000.00

2. On April 19, 2017, the Defendant failed to appear and the bond was declared forfeited. On May 4, 2017, an Order and Judgment of Forfeiture was issued and filed in the case by the Canadian County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondents with return receipt requested within thirty (30) days after the forfeiture Order's filing.

3. Eggenberg received a copy of the Order and Judgment of Forfeiture on May 31, 2017, as evidenced electronically by the United States Postal Service Tracking website.

4. Seneca received a copy of each Order and Judgment of Forfeiture on May 8, 2017, as evidenced electronically by the United States Postal Service Tracking website.

5. The calculated ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was August 30, 2017. OAC 365:25-5-40.

6. The bond forfeiture was untimely paid on August 31, 2017. Additionally, the defendant was not timely returned to custody.

**ALLEGED VIOLATIONS OF LAW**

1. Respondents have violated 59 O.S. § 1310(A)(2) violation of any laws of this state or any lawful rule, regulation, or order of the Commissioner relating to bail, through a violation of 59 O.S. § 1332(D) by failing to timely return the Defendant within ninety (90) days or by failing to timely remit payment in the face amount of the bond forfeiture within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture.

2. Respondent Seneca has violated 36 O.S. § 619(A)(2) and 59 O.S. § 1310(A)(2) by failing to comply with OAC 365:25-5-41(b)(2), which requires an insurer to either pay all bail bond forfeitures within ninety-one (91) days or have all bail bond forfeitures vacated by the court within ninety-one (91) days after receipt of the Order and Judgment of Forfeiture pursuant to OAC 365:25-5-40.

**ORDER**

**IT IS THEREFORE ORDERED that Respondents Eggenberg and Seneca are each FINED Five Hundred Dollars (\$500.00). The fines are to be paid within thirty (30) days made payable to the Oklahoma Insurance Department. Payment may be made by either cashier's check or money order. Failure to comply with a proper order of the Insurance 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 the Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above shall become a Final Order on

the thirty-first day following the date of mailing this Order. A request for hearing should be in writing addressed to Barron B. Brown, 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.

Any such hearing shall be conducted according to the procedures for contested cases under Oklahoma Insurance Code (36 O.S. §§ 101 et seq.), the Oklahoma Bail Bond Act (specifically- 59 O.S. §§ 1311-1311.1) and the Oklahoma Administrative Procedures Act (75 O.S. §§ 308a et seq.). If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as 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 27<sup>th</sup> day of December, 2017.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

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Barron B. Brown  
Assistant General Counsel  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
(405) 521-2746

**CERTIFICATE OF MAILING**

I, Barron B. Brown, 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 certified mail, with postage prepaid and return receipt requested, on this 27<sup>th</sup> day of December, 2017, to:

Phillip Ray Eggenberg  
220 Lake Murray Dr.  
Ardmore, OK 73401

**CERTIFIED MAIL NO.**

9214 8902 0982 7500 0042 28

Seneca Insurance Company, Inc.  
160 Water St. Fl. 16  
New York, NY 10038

**CERTIFIED MAIL NO.**

9214 8902 0982 7500 0042 35



Barron B. Brown  
Assistant General Counsel

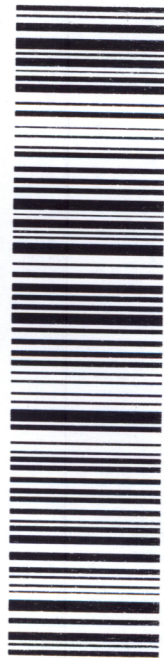


**JOHN D. DOAK**  
**Insurance Commissioner**  
 Oklahoma Insurance Department  
 5 Corporate Plaza  
 3625 N.W. 56th St., Ste. #100  
 Oklahoma City, OK 73112-4511

RECEIVED  
 OKLAHOMA INSURANCE DEPARTMENT  
 JAN 17 2018  
 Legal Division

**CERTIFIED MAIL™**

USPS CERTIFIED MAIL



9214 8902 0982 7500 0042 28

PHILLIP RAY EGGENBERG  
 220 LAKE MURRAY DR E  
 ARDMORE OK 73401-8456

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12/27/2017

US POSTAGE

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FIRST-CLASS MAIL



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