

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

APR 16 2018

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)

)
Petitioner,)

vs.)

)
RICHARD DIVELBISS, a licensed bail)
bondsman in the State of Oklahoma,)

CASE NO. 18-0166-DIS

AND)

)
**CRUM & FORSTER INDEMNITY)
COMPANY,**)
an insurance company licensed to act as)
bail surety in the state of Oklahoma,)

)
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, Sandra G. LaVenue, 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 Richard Divelbiss ("Divelbiss") is a licensed bail bondsman in the State of Oklahoma holding license number 199553.

3. Respondent Crum & Forster Indemnity Company, ("CFIC") is an insurance

company licensed to act as bail surety in the state of Oklahoma Certificate of Authority 31348.

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 Divelbiss or CFIC 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 either 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 July 31, 2017, an appearance bond was executed as follows:

Defendant:	Michael Alexander Henderson
Case Number(s):	CF-2011-1872
City/County:	Cleveland County
Surety:	Crum & Forster Indemnity Company
Bondsman:	Richard Divelbiss
Power Number(s):	CF5-70271532
Bond Amount(s):	\$5,000.00

8. On September 21, 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 September 28, 2017, by the Cleveland County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Divelbiss and CFIC with

return receipt requested within thirty (30) days after the Order's filing.

9. Divelbiss received a copy of the Order and Judgment of Forfeiture on September 29, 2017.

10. CFIC received a copy of the Order and Judgment of Forfeiture on October 2, 2017.

11. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was August 18, 2017.

12. The defendant was not returned to custody as of December 28, 2017, and the Order and Judgment of Forfeiture was not paid on or before December 29, 2017.

ALLEGED VIOLATIONS OF LAW

13. Divelbiss has 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.

15. CFIC has 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.

16. 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.

17. Pursuant to 36 O.S. § 619, 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.

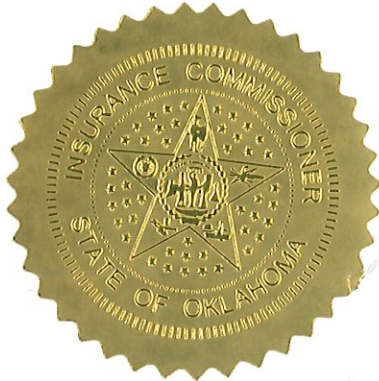
ORDER

IT IS THEREFORE ORDERED that Divelbiss and CFIC are **each FINED Two Hundred and Fifty Dollars (\$250.00)**. 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 Divelbiss or CFIC 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 Sandra LaVenue, 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 Divelbiss or CFIC 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 16th day of April, 2018.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Sandra LaVenue OBA #13372
Senior 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 11th day of April 2018, to:

Richard Divelbiss
102 E. Eufaula St Ste E
Norman, OK 73069-6050

CERTIFIED MAIL NO. 9214 8902 0982 7500 0074 34

Crum & Forster Indemnity Company
305 Madison Ave.
Morristown, New Jersey 07962

CERTIFIED MAIL NO. 9214 8902 0982 7500 0074 41

and a copy was delivered to:

Lewis Garrison
Bail Bonds Division



Sandra LaVene
Senior Counsel

Date Produced: 04/23/2018

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0074 34. Our records indicate that this item was delivered on 04/17/2018 at 09:32 a.m. in NORMAN, OK 73069. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Document	
Signature X	<i>Richard D. Dick</i>
Printed Name	Richard D. Dick

Address of Recipient :

Delivery Address	102 E. Eufala, Norman, OK
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Sincerely,
United States Postal Service

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Customer Reference Number: C779779.4661922

Date: May 1, 2018

ConnectSuite Inc :

The following is in response to your May 1, 2018 request for delivery information on your Certified Mail™/RRE item number 9214890209827500007441. The delivery record shows that this item was delivered on April 23, 2018 at 10:15 am in MORRISTOWN, NJ 07960. There is no delivery signature on file for this item.

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Sincerely,
United States Postal Service