

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

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

CASE NO. 18-0344-DIS

FILED
MAY 14 2018
INSURANCE COMMISSIONER
OKLAHOMA

**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 his attorney 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. §§ 101-7401, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1341.

2. Respondent Esmeralda Arellano (“Arellano”) is a licensed bail bondsman in the State of Oklahoma holding license number 200315. Her address of record is 2801 S. Shields Blvd., Oklahoma City, OK 73129-2025.

3. Respondent Crum & Forster Indemnity Company (“Crum & Forster”) is an insurance company licensed to act as bail surety in the state of Oklahoma holding NAIC CoCode 31348. Its address of record is 11490 Westheimer Road, Suite 300, Houston, Texas 77077-6841.

4. 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.

5. Pursuant to 36 O.S. § 619(B), 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

5. On or about August 6, 2016, an appearance bond was executed as follows:

Defendant:	Juvenal Garcia
Case Number(s):	CF-2016-7566
City/County:	Oklahoma County
Surety:	Crum & Forster
Bondsman:	Esmeralda Arellano
Power Number(s):	C10-70218886
Bond Amount(s):	\$6,000.00

6. On January 19, 2018, the Defendant failed to appear in CF-2016-7566 and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued and filed in the case by the Oklahoma County District Court. A true and correct copy of the Order and Judgment of the Forfeiture in CF-2016-7566 was mailed to Respondents on January 30, 2018 with return receipt requested.

7. Crum & Forster received a copy of the Order with the return filed on February 2, 2018.

8. Arellano received a copy of the Order with the return filed on January 31, 2018.

9. The ninety-first (91st) day after receipt of the Order was May 2, 2018.

10. On May 3, 2018, the Defendant was untimely returned to custody.

ALLEGED VIOLATIONS OF LAW

11. Arellano 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.

12. Crum & Forster has violated 36 O.S. § 619 by failing to comply with OAC 365:25-5-40 and as also required by 59 O.S. § 1332.

ORDER

IT IS THEREFORE ORDERED that Crum & Forster and Arellano are each FINED Two Hundred and Fifty and No/100 Dollars (\$250.00). The fines are to be paid within thirty (30) days made payable to the Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondents request 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 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.

Any such hearing shall be conducted according to the procedures for contested cases under the Insurance Code and 75 O.S. §§ 250-323. If the Respondents serve 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 11th day of May, 2018.



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) 522-2746

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 14th day of May, 2018, to the following:

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

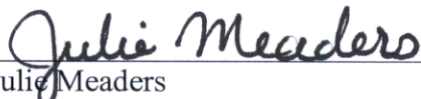
Certified Mail No. . 9214 8902 0982 7500 0084 48

Crum & Forster Indemnity Company
11490 Westheimer Road, Suite 300
Houston, Texas 77077-6841

Certified Mail No. 9214 8902 0982 7500 0084 55

and a copy was delivered to:

Lewis Garrison
Bail Bonds Division



Julie Meaders
Deputy General Counsel



Date Produced: 05/21/2018

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0084 48. Our records indicate that this item was delivered on 05/15/2018 at 11:29 a.m. in OKLAHOMA CITY, OK 73129. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink that reads "E. Krollano". The signature is written in a cursive style with a large, prominent initial "E".

Address of Recipient :

A handwritten address in black ink that reads "2621 S SL. 101". The text is written in a simple, blocky style.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: C818796.4851928



Date Produced: 05/21/2018

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0084 55. Our records indicate that this item was delivered on 05/17/2018 at 02:21 p.m. in HOUSTON, TX 77077. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery address	
Signature	<i>Debra Samuel</i>
Printed Name	Debra Samuel

Address of Recipient :

Delivery Address	<i>11490 Westheimer Rd # 300</i>
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Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: C818796.4851929