



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 Bates or USFIC 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.

**FINDINGS OF FACT**

7. On or about January 29, 2018, an appearance bond was executed as follows:

Defendant:	Freddie Wallace
Case Number(s):	CF-2017-1277
City/County:	Muskogee County
Surety:	United States Fire Insurance Company
Bondsman:	Gregory Bates
Power Number(s):	U5-20652589
Bond Amount(s):	\$1,000.00

8. On March 29, 2018, 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 April 9, 2018, by the Muskogee County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Bates and USFIC with return receipt requested within 30 days after the Order's filing.

9. Bates received a copy of the Order and Judgment of Forfeiture on April 11, 2018.

10. USFIC received a copy of the Order and Judgment of Forfeiture on April 13,

2018.

11. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture was July 11, 2018.

12. As of the date of the filing of this Conditional Administrative Order, the forfeiture has not been paid. The defendant was not timely returned to custody.

### **CONCLUSIONS OF LAW**

13. Bates violated *59 O.S. 1310(A)(2) and (28)*, by failing to return the Defendant to custody within 90 days or remit payment in the face amount of the bond forfeiture within 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. USFIC 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 \$250.00 but not more than \$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 \$5,000.00 for each occurrence.

### **ORDER**

**IT IS THEREFORE ORDERED** that **Bates and USFIC are each FINED \$500.00.** The **fin**es are to be paid within 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 Muskogee County District Court Clerk within 30 days of receipt of this Order, should the Court Clerk show the bond outstanding. Failure to do so shall result in the Bates' license being suspended and **CANCELLATION** of USFIC's license privilege and authorization to do business within the State of Oklahoma and **CANCELLATION** of the surety appointment of all surety bondsman agents of USFIC.

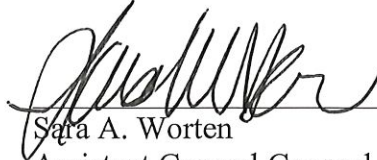
**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless USFIC or Bates request a hearing with respect to the Allegations of Fact set forth above within 30 days of the date of this Order, the penalties set forth above shall become a Final Order on the thirty-first day following the date of mailing this Order. A request for hearing should be in writing and addressed to Sara Worten 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 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.*, the Oklahoma Bail Bond Act, *59 O.S. § 1311.1* and the Oklahoma Administrative Procedures Act, *75 O.S. §§ 250 through 324*. If USFIC or Bates 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 15<sup>th</sup> day of October, 2018.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
Sara A. Worten

Assistant General Counsel  
3625 NW 56<sup>th</sup> 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 15<sup>th</sup> day of October 2018, to:

United States Fire Insurance Company  
305 Madison Avenue  
Morristown, NJ 07962

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0131 38

Gregory Bates  
209 S. Peoria Avenue  
Tulsa, OK 74120-2613

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0131 45

and a copy was delivered to:

Lewis Garrison  
Renonda Stogsdill  
Bail Bonds Division

  
Sara A. Worten



18-ae28-Dis  
8AW  
(US Fire)

Date Produced: 10/15/2018

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0131 38. Our records indicate that this item was delivered on 10/11/2018 at 08:25 a.m. in MORRISTOWN, NJ 07960-4085. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

1973

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Sincerely,  
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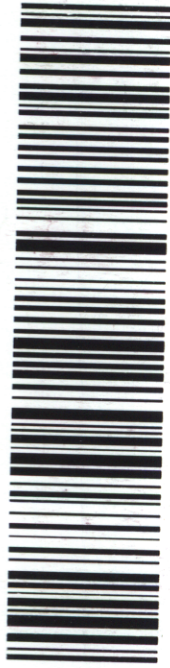
Customer Reference Number: C1018330.5892700



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

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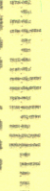
~~GREGORY BATES  
 209 S. PEORIA AVE  
 TULSA OK 74120-2613~~

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