

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

STATE OF OKLAHOMA, ex rel. GLENN )  
MULREADY, Insurance Commissioner, )  
 )  
Petitioner, )  
vs. )  
 )  
DEBRA BARRY, a licensed bail bondsman in )  
the State of Oklahoma, )  
 )  
AND )  
 )  
CRUM & FORSTER INDEMNITY )  
COMPANY, )  
an insurance company licensed to act as )  
bail surety in the state of Oklahoma, )  
 )  
Respondents. )

**FILED**

**FEB 07 2019**

**INSURANCE COMMISSIONER]  
OKLAHOMA**

CASE NO. 18-0629-DIS

**CONDITIONAL ADMINISTRATIVE ORDER  
AND NOTICE OF RIGHT TO BE HEARD**

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, by and through counsel, Sandra G. LaVenue, and alleges and states as follows:

**JURISDICTION**

1. Glen Mulready 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 Debra Barry ("Barry") is a licensed bail bondsman in the State of Oklahoma holding license number 200339.
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 2251.

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 Barry 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 October 7, 2017, an appearance bond was executed as follows:

Defendant:	Mac Arthur Finley
Case Number(s):	CF-2017-4211
City/County:	Oklahoma County
Surety:	Crum & Forster Indemnity Company
Bondsman:	Debra Barry
Power Number(s):	CF5-70272801
Bond Amount(s):	\$4,000.00

8. On April 3, 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 6, 2018, by the Oklahoma County District Court. A true and correct copy

of the Order and Judgment of Forfeiture was mailed to Barry and CFIC with return receipt requested within thirty (30) days after the Order's filing.

9. Barry received a copy of the Order and Judgment of Forfeiture on April 24, 2018.

10. CFIC received a copy of the Order and Judgment of Forfeiture on April 9, 2018.

11. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture was July 24, 2018.

12. The defendant was not returned to custody as of July 23, 2018, and the Order and Judgment of Forfeiture was not paid on or before July 24, 2018.

13. The forfeiture was eventually paid on November 9, 2018, approximately 108 days after the forfeiture was due.

#### **ALLEGED VIOLATIONS OF LAW**

13. Barry 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 Barry and CFIC are each **FINED Five Hundred and 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, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless either Barry 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 (31<sup>st</sup>) 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 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.*, and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *through* 324. If either Barry 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 7<sup>th</sup> day of February, 2019.



GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

Sandra LaVenue OBA #13372  
Senior 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 7<sup>th</sup> day of February 2019, to:

Debra Barry  
P.O. Box 1785  
Oklahoma City, OK 73101

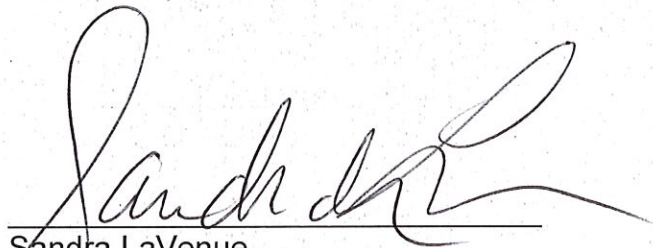
**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0171 67

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

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0171 74

and a copy was delivered to:

Lewis Garrison  
Bail Bonds Division

  
Sandra LaVenue  
Senior Counsel



February 21, 2019

Dear Sherry Standerfer:

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9214 8902 0982 7500 0171 74.**

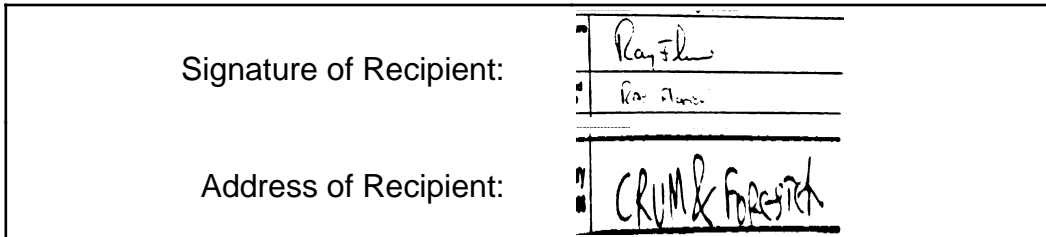
**Item Details**

**Status:** Delivered, Individual Picked Up at Post Office  
**Status Date / Time:** February 11, 2019, 10:46 am  
**Location:** MORRISTOWN, NJ 07962  
**Postal Product:** First-Class Mail®  
**Extra Services:** Certified Mail™  
Return Receipt Electronic  
**Recipient Name:** CRUM FORSTER INDEMNITY COMPANY

**Shipment Details**

**Weight:** 2.0oz

**Recipient Signature**



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

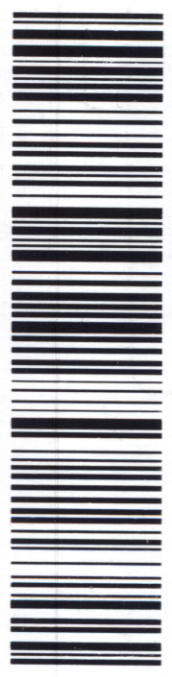
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Oklahoma Insurance Department  
Legal Division  
3625 NW 56th, Suite 100  
OKC, OK 73112

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DEBRA BARRY  
PO Box 17485  
OKLAHOMA CITY OK 73136-1485

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MAY 03 2019

Legal Division

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