

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

FILED
SEP 18 2019
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN
MULREADY, Insurance Commissioner,

Petitioner,

vs.

LLOYD NEWMAN SIMMONS, a licensed bail
bondsman in the State of Oklahoma,

AND

DENNIS LLOYAL BERGLAN, a multicounty
agent bondsman licensed in the State of
Oklahoma,

Respondents.

CASE NO. 19-0581-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, Teresa L. Green, 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. §§ 1301-1340.

2. Respondent Lloyd Newman Simmons ("Respondent Simmons") is a licensed bail bondsman in the State of Oklahoma holding license number 100285456. Respondent Simmons's address of record is P.O. Box 211, Foss, OK 73647-0211.

3. Respondent Dennis Lloyal Berglan ("Respondent Berglan") is a multicounty agent bondsman in the state of Oklahoma holding license number 199413. Respondent

Berglan's address of record is 1945 Exchange Ave., Oklahoma City, OK 73108-2821.

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*.

5. 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 \$250.00 nor more than \$2,500.00 for each occurrence.

6. If Respondents request a hearing in writing in this matter, pursuant to *OAC 365:1-7-1*, the Insurance Commissioner, pursuant to *59 O.S. § 1311.1*, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

7. 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

8. On or about March 12, 2018, an appearance bond was executed as follows:

Defendant:	Paul Lamb
Case Number(s):	CF-2015-324
City/County:	Beckham County
Surety:	Dennis Berglan
Bondsman:	Lloyd Simmons
Power Number(s):	019877
Bond Amount(s):	\$3,000.00

9. On or about March 12, 2018, an appearance bond was executed as follows:

Defendant:	Paul Lamb
Case Number(s):	CM-2018-54
City/County:	Beckham County
Surety:	Dennis Berglan
Bondsman:	Lloyd Simmons
Power Number(s):	019876
Bond Amount(s):	\$2,000.00

10. On or about January 17, 2019, the Defendant failed to appear in both cases and the bonds were declared forfeited. An Order and Judgment of Forfeiture was issued in both cases on or about January 16, 2019, by the Beckham County District Court. A true and correct copy of both Order and Judgment of Forfeiture was mailed to Respondent Simmons and Respondent Berglan with return receipt requested within thirty (30) days after the Order's filing.

11. Respondent Simmons received both copies of the Order and Judgment of Forfeiture on or about January 31, 2019.

12. Respondent Berglan received both copies of the Order and Judgment of Forfeiture on or about January 23, 2019.

13. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was May 2, 2019.

14. On or about April 24, 2019, the Beckham County Court granted an extension in both cases to produce defendant or pay amount due by July 29, 2019.

15. As of this date, the forfeiture has not been paid nor the Defendant returned to custody.

CONCLUSIONS OF LAW

16. Respondents have 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* by failing to return Paul Lamb to custody or pay the forfeiture in either CF-2015-324 or CM-2018-54 in Beckham County, Oklahoma.

17. Pursuant to *59 O.S. § 1310(B)*, any bondsman violating a provision of the Bail Bond Act, *59 O.S. §§ 1301 et seq.*, may be subject to a fine of not less than \$250.00 but not more than \$2,500.00 per violation.

ORDER

IT IS THEREFORE ORDERED that Respondent Simmons and Respondent Berglan are **each FINED** \$250.00 per violation, for a total fine of **\$500.00** due from each Respondent. 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. Payment is to be made by either cashier's check or money order. If the fines are not paid within thirty (30) days, Respondents' respective licenses will be suspended and shall remain suspended until the fines are paid in full.

IT IS FURTHER ORDERED that Respondent Berglan is to pay the forfeitures in Beckham County District Court Case (1) CF-2015-324, State of Oklahoma v. Paul Michael Lamb, and (2) CM-2018-54, State of Oklahoma v. Paul Michael Lamb. If the forfeitures are not paid within thirty (30) days from receipt of this Order, pursuant to *59 O.S. §§ 1306.1(B) and 1332(D)(4)(b)*, the Oklahoma Insurance Department shall withdraw the face amount of the

bonds, Three Thousand Dollars (\$3,000.00) and Two Thousand Dollars (\$2,000.00), from Respondent Berglan's multicounty agent bail bondsman deposit and forward it to the Beckham County District Court for payment of the bond forfeiture.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless either Respondent requests a hearing with respect to the Findings of Fact set forth above within thirty (30) days of the date of this Conditional 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 Teresa L. Green, 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 will be conducted according to the procedures for contested cases under the Insurance Code and 75 O.S. § 250 *et seq.* If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order will act as notice of the matters to be reviewed at the hearing, and the Findings of Fact, Conclusions of Law, and penalties imposed in this Conditional Order will be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 16th day of September, 2019.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Teresa L. Green", written over a horizontal line.

Teresa L. Green, OBA #32897

Assistant General Counsel

Oklahoma Insurance Department

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 18th day of September, 2019, to:

Lloyd Newman Simmons
P.O. Box 211
Foss, OK 73647-0211

CERTIFIED MAIL NO.

9214 8902 0982 7500 0238 16

Dennis Lloyal Berglan
1945 Exchange Ave.
Oklahoma City, OK 73108-2821

CERTIFIED MAIL NO.

9214 8902 0982 7500 0238 23

and a copy was delivered to:

Bail Bonds Division



Teresa L. Green
Assistant General Counsel



19-0581-Dis
(Berglan) TUG

Date Produced: 09/23/2019

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0238 23. Our records indicate that this item was delivered on 09/19/2019 at 11:46 a.m. in OKLAHOMA CITY, OK 73108. The scanned image of the recipient information is provided below.

Signature of Recipient :

Kristina Berglan
Kristina Berglan

Address of Recipient :

1945

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: C1626949.8965865

Oklahoma Insurance Department
Legal Division
3625 NW 56th Street
Oklahoma City, Oklahoma 73112

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
OCT 11 2019
Legal Division

19-0581
Simmons

CERTIFIED MAIL™

USPS CERTIFIED MAIL

09/18/2019

US POSTAGE \$006.25

FIRST-CLASS MAIL

19-0581-DS
TCS



ZIP 73112
041M11455007

9214 8902 0982 7500 0238 16

~~LLOYD NEWMAN SIMMONS
PO Box 817
FOSS OK 73647-0211~~

19-0581-DS
TCS

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

OCT 10 2019

OKLAHOMA

9/19 ✓
9/24 ✓
10/4 ✓

UNC
73112-4519

NIXIE 731 DE 1 0010/07/19
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 73112451999 *2557-09750-07-35