

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
AUG 17 2020
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
vs.)
TIMOTHY PEARSON, a licensed bail bondsman)
in the State of Oklahoma,)
)
AND)
)
AMERICAN CONTRACTORS INDEMNITY)
COMPANY,)
an insurance company licensed to act as)
bail surety in the state of Oklahoma,)
)

CASE NO. 20-0325-DIS

Respondents.

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, Sara A. Worten, 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 Timothy Pearson (“Pearson”) is a bail bondsman in the State of Oklahoma holding license number 199119. His address of record is P.O. Box 2982, Lawton, Oklahoma 73502.

3. Respondent, American Contractors Indemnity Company (“ACIC”) is an insurance company licensed to act as bail surety in the state of Oklahoma holding NAIC number 10216.

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 Pearson or ACIC 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 October 21, 2019, an appearance bond was executed as follows:

Defendant:	Andrew Paul Mata
Case Number(s):	CM-2019-1793
City/County:	Comanche County
Surety:	American Contractors Indemnity Company
Bondsman:	Timothy Pearson
Power Number(s):	A2-3556292
Bond Amount(s):	\$1,000.00

8. On December 11, 2019, 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 December 20, 2019, by the Comanche County District Court. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Pearson and ACIC with return receipt requested within 30 days after the Order's filing.

9. Pearson received a copy of the Order and Judgment of Forfeiture on December 23, 2019.

10. ACIC received a copy of the Order and Judgment of Forfeiture on or before December 31, 2019.

11. The Court entered a stay of the 91st today on March 13, 2019. The Court extended the forfeiture payment deadline to June 29, 2019. The ninety-first (91st) day after receipt of the Order and Judgment of forfeiture was March 23, 2020. The 91st day calculated in accordance with the Third Emergency Joint Order Regarding the COVID-19 State of Disaster, SCAD No. 20200-36 issued by the Oklahoma Supreme Court on April 29, 2020 was May 25, 2020.

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. Pearson 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. ACIC 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 Pearson and ACIC are each FINED \$250.00. The fines 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 Comanche County District Court Clerk within 30 days of receipt of this Order, should the Court Clerk show the bond outstanding. Failure to do so may result in the Pearson's license being suspended and **CANCELLATION** of ACIC license privilege and authorization to do business within the State of Oklahoma and **CANCELLATION** of the surety appointment of all surety bondsman agents of ACIC.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless ACIC or Pearson 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, 400 NE 50th Street, Oklahoma City, Oklahoma 73105. 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 ACIC or

Pearson 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 17th day of August 2020.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Sara A. Worten
Assistant General Counsel
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
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 17th day of August 2020 to:

American Contractors Indemnity Company
601 S. Figueroa Street
Suite 1600
Los Angeles, CA 90017-5721

CERTIFIED MAIL NO.

9214 8902 0982 7500 0307 91

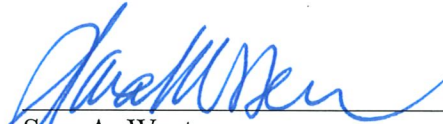
Timothy Pearson
P.O. Box 2982
Lawton, OK 73502

CERTIFIED MAIL NO.

9214 8902 0982 7500 0308 07

and a copy was delivered to:

Lewis Garrison
Renonda Stogsdill
Bail Bonds Division



Sara A. Worten



25-0325 Dis
(American Cont.)

Date Produced: 08/24/2020

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0307 91. Our records indicate that this item was delivered on 08/21/2020 at 09:27 a.m. in LOS ANGELES, CA 90017. The scanned image of the recipient information is provided below.

Signature of Recipient :
(Authorized Agent)

CS - C19
CS C19

Address of Recipient :

C 5

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.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

AMERICAN CONTRACTORS INDEMNITY COMPANY
601 S FIGUEROA ST STE 1600
LOS ANGELES CA 90017-5721

Customer Reference Number: C2222138.12627819




20-0325-Dis
(Pearson) saw

Date Produced: 08/24/2020

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0308 07. Our records indicate that this item was delivered on 08/20/2020 at 01:13 p.m. in LAWTON, OK 73501. The scanned image of the recipient information is provided below.

Signature of Recipient :



TIM PEARSON

Address of Recipient :

P.O. BOX
2982

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.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

TIMOTHY PEARSON
PO BOX 2982
LAWTON OK 73502-2982

Customer Reference Number: C2222138.12627818