

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**

SEP 18 2008

INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. KIM )  
HOLLAND, Insurance Commissioner, )  
Petitioner, )  
v. ) Case No. 08-0965-DIS  
SENECA INSURANCE COMPANY, a licensed )  
Surety in the State of Oklahoma, )  
and )  
BRUCE HANCOCK, a licensed Bail Bondsman )  
in the State of Oklahoma, )  
Respondent. )

**ADMINISTRATIVE ORDER**

ON THE 20<sup>th</sup> day of August, 2008, the above numbered and entitled cause came on for hearing and was concluded on the same date. The Insurance Commissioner, Kim Holland, was represented by her attorney, Sandra G. LaVenue. Respondent Seneca Insurance Company (hereafter "Respondent") appeared by Managing General Agent (MGA) Kenn Cousins after having been mailed a copy of the Notice of Hearing and Order to Show Cause by certified mail with return receipt requested to the last known address as provided by Respondent to the Insurance Commissioner pursuant to the Oklahoma Bail Bond Code, OKLA. STAT. tit. 59, §§1301-1340, and the Oklahoma Administrative Procedures Act, OKLA. STAT. tit. 75, §§250-323.

The Hearing Examiner, having been fully advised in the premises, finds by clear and convincing evidence as follows:

**JURISDICTION AND AUTHORITY**

1. That the Insurance Commissioner has jurisdiction of this cause, pursuant to the provisions of the Oklahoma Bail Bond Code, OKLA. STAT. tit. 59, §§1301-1340.
2. Respondent is a licensed surety in the State of Oklahoma holding license number 2344.

**FINDINGS OF FACT**

1. That on or about July 18, 2008, Petitioner through her attorney, caused to be mailed a *Notice of Hearing and Order to Show Cause* to Respondent at its address of record.

2. That the *Notice of Hearing and Order to Show Cause* contained statements of jurisdiction, allegations of fact, alleged violations of law and an order setting each the proceedings for August 20, 2007, at 9:30 a.m. at the office of the Insurance Commissioner, 2401 N.W. 23<sup>rd</sup> Street, Suite 28, Oklahoma City, Oklahoma 73107.

3. That the Insurance Commissioner appointed Leamon Freeman to hear the case as the independent Hearing Examiner and he entered these findings and conclusions.

4 The Hearing was recorded electronically by employees of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

5 Both parties agreed to stipulate to the facts as listed in the July 18, 2008, *Notice of Hearing and Order to Show Cause*. They are as follows:

a. On or about September 7, 2007, an appearance bond was issued as follows:

Defendant:	Antonio Cherry
Case Number:	CM-2007-1440
City/County:	Oklahoma County
Bondsman:	Bruce Hancock
Insurer:	Seneca Insurance Company
Power Number:	S10-01242108
Bond Amount:	\$8,000.00

b. On or about February 28, 2008, the bond was forfeited and an Order and Judgment of Forfeiture was issued.

c. The Defendant was not returned to custody within ninety (90) days nor was the forfeiture paid within ninety-one (91) days.

7. The forfeiture was paid on August 12, 2008.

8. Respondent's actions in failing to deposit cash or other valuable securities in the face amount of the bond with the Court Clerk ninety-one (91) days from receipt or mailing of the Order and Judgment of Forfeiture from the Court Clerk is a violation of OKLA. STAT. tit. 59, § 1332.

### CONCLUSIONS OF LAW

1. These proceedings were commenced in accordance with and conducted pursuant to the applicable provisions of the Oklahoma Administrative Procedures Act, OKLA. STAT. tit. 75, §§ 250-323, as amended, and the Oklahoma Bail Bond Code, OKLA. STAT. tit. 59, §§ 1301-1340 as amended.

2. The Commissioner has jurisdiction to conduct this hearing as Respondent is a licensed bail bondsman in the State of Oklahoma, pursuant to OKLA. STAT. tit. 59, §§ 1301-1340, as amended.

3. Respondent was provided lawful service and adequate notice of the time and place of the hearing and was sufficiently advised of the allegations as required by OKLA. STAT. tit. 75, § 309, as amended and OKLA. STAT. tit. 59, § 1311, as amended.

4. The Independent Hearing Examiner was properly and legally appointed pursuant to OKLA. STAT. tit. 59, § 1311.1(B).

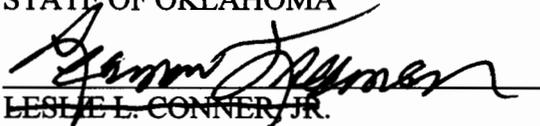
5. Both parties agreeing to stipulate to the violations of law as stated in the July 18, 2008, *Notice of Hearing and Order to Show Cause*. Therefore, Respondent has violated OKLA. STAT. tit. 59, § 1332(D) by failing to deposit cash or other valuable securities in the face amount of the bond with the Court Clerk ninety-one (91) days from receipt or mailing of the Order and Judgment of Forfeiture from the Court Clerk.

**ORDER**

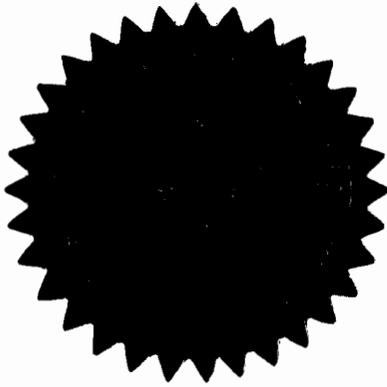
1. IT IS THEREFORE ORDERED that Respondent is hereby fined in the amount of **One Hundred and No/100 Dollars (\$100.00)** and assessed costs in the amount of **Fifty and No/100 Dollars (\$50.00)**. Fine and costs are to be paid immediately. Fine and costs are to be paid within thirty (30) days from the date of the hearing or September 20, 2008.

WITNESS My Hand and Official Seal this 15<sup>th</sup> day of September 2008.

KIM HOLLAND  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA



LESLIE L. CONNER, JR.  
Hearing Examiner  
Post Office Box 53408  
Oklahoma City, Oklahoma 73152-3408  
(405) 521-2746



CERTIFICATE OF MAILING

I, Sandra G. LaVenue, hereby certify that a true and correct copy of the above and foregoing Administrative Order was mailed postage prepaid with return receipt requested on this 18 day of Sept., 2008, to:

Seneca Insurance Company  
Bail Bond Division  
157 Main Street  
Post Office Box 806  
Greenville, Pennsylvania 16125

and that a copy was mailed to:

Kenn Cousins, MGA  
Seneca Insurance Company  
337306 E. 990 Rd  
Meeker, Oklahoma 74855

Patricia Presley  
Oklahoma County Court Clerk  
320 Robert S. Kerr  
Oklahoma City, Oklahoma 73102

and that a copy was delivered via electronic mail to:

Robert H. Noll, Director  
Bail Bond Division

  
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SANDRA G. LAVENUE  
Assistant General Counsel