

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

STATE OF OKLAHOMA, ex rel. KIM )  
HOLLAND, Insurance Commissioner, )  
Petitioner, )  
v. )  
PHILLIP EGGENBERG, a licensed Bail )  
Bondsman in the State of Oklahoma, )  
Respondent. )

Case Nos. 09-0388-DIS

**FILED**

MAY 19 2009

**CONSENT ORDER**

INSURANCE COMMISSIONER  
OKLAHOMA

COMES NOW the State of Oklahoma, ex rel. Kim Holland, Insurance

Commissioner, and the Respondent Phillip Eggenberg (hereinafter Respondent), and enter into this Consent Order.

**JURISDICTION**

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. That Respondent Phillip Eggenberg is a licensed bail bondsman in the State of Oklahoma holding license number 199952, formerly 800678.
3. That Respondent has been apprised of his rights including the right to a public hearing and has knowingly and freely waived said rights and enters into this Consent Order as a voluntary settlement to the issues and questions raised in the above captioned case.

**STIPULATIONS OF FACT**

1. A routine audit, by the Oklahoma Insurance Department ("Department") of the Carter County District Court Clerk bail bond records revealed a discrepancy in a bond issued by Eggenberg. The Carter County Court Clerk's report for the month of January 2009 stated that Eggenberg has had written a bail bond to secure the release of

the defendant in case number CF-2009-1 under power of attorney of Seneca Insurance Company ("Seneca"). However, Eggenberg's monthly report to the Department for bonds written under power of Seneca did not disclose this bond.

2. The department obtained a copy of the bond from the Carter County Court Clerk. The bond stated Eggenberg and Seneca were sureties. Contrary to Eggenberg's statement on the bond that Seneca was surety, the power of attorney he attached to the bond stated that James Eggenberg, a bondsman licensed as professional with a cash deposit to meet sums due in event of forfeiture, was surety for the bond.

3. The Department then conducted an appearance bond review of CF-2009-1 District Court of Carter County, Oklahoma, defendant Embry Jay Loftis in the amount of \$50,000.00. The consideration for the bond appears to state "1%" or "10%."

### CONCLUSIONS OF LAW

1. Respondent violated 59 O.S. § 1316(D), by failing to list the correct surety on the appearance bond.

2. Respondent violated 59 O.S. § 1316(B), by failing to list the premium amount on the appearance bond.

### ORDER AND CONSENT

IT IS THEREFORE ORDERED by the Insurance Commissioner and CONSENTED to by the Respondent that he shall be and hereby is censured and fined in the amount of **Two Hundred and No/100 Dollars (\$200.00)**. Fine is to be paid immediately.

WITNESS My Hand and Official Seal this 14 day of May, 2009.



KIM HOLLAND  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Leamon Freeman", written over a horizontal line.

LEAMON FREEMAN.  
Hearing Examiner  
Post Office Box 53408  
Oklahoma City, Oklahoma 73152-3408

APPROVED:

A handwritten signature in black ink, appearing to read "John Mahoney", written over a horizontal line.

JOHN MAHONEY  
Assistant General Counsel

A handwritten signature in black ink, appearing to read "Phillip Eggenberg", written over a horizontal line.

PHILLIP EGGENBERG  
Respondent

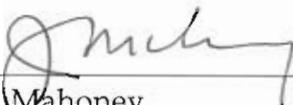
**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the above and foregoing Consent Order was mailed postage prepaid on this 19<sup>th</sup> day of May, 2009, to:

Phillip Eggenberg  
220 Lake Murray Drive  
Ardmore, Oklahoma 73401-8456

and that a copy was delivered via electronic mail to:

Robert Noll, Director  
Bail Bond Division

  
\_\_\_\_\_  
John Mahoney