



## FINDINGS

1. On or about February 3, 2010, an appearance bond was executed as follows:

Defendant:	Kelsey S. Wharton
Case Number(s):	Cm-2010-19
City/County:	Logan County
Insurer:	United States Fire Insurance Company
Bondsman:	Patricia Thatcher
Power Number(s):	U1 - 20250119
Bond Amount(s):	\$1,000.00

2. On June 10, 2010, the Defendant failed to appear, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued by the district court on June 10, 2010, and filed in the case. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondents with return receipt requested within thirty (30) days after the forfeiture.

3. Thatcher received a copy of the Order and Judgment of Forfeiture on July 12, 2010.

4. U.S. Fire received a copy of the Order and Judgment of Forfeiture on July 9, 2010.

5. The ninety-first (91<sup>st</sup>) day after receipt of the Order and Judgment of Forfeiture by Thatcher was October 11, 2010; however, that date was Columbus Day, and the office of the Logan County Court Clerk was closed. Thus, the ninety-first day became October 12, 2010.

6. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture nor was the face amount of the forfeited bail bond paid to the court clerk on the ninety-first (91<sup>st</sup>) day.

7. The forfeited bond remains unpaid to date.

## CONCLUSIONS OF LAW

The allegations are found to be true and correct, and Respondents have violated 59 O.S. § 1332 by failing to return the defendant within ninety (90) days or remit payment in the face amount

of the bail bond forfeiture within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture.

**ORDER**

**IT IS THEREFORE ORDERED that Patricia Thatcher and United States Fire Insurance Company are each fined Two Hundred Fifty Dollars (\$250.00).**

Respondents are further notified that they may request a hearing within 30 days of the receipt of this Order concerning this action, and upon such request, the Oklahoma Insurance Department shall conduct a hearing before an independent hearing examiner. A request for hearing shall be made in writing to Natasha M. Scott, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> Suite 100, Oklahoma City, Oklahoma 73112 and state the basis for requesting the hearing.

**If Respondents do not request a hearing within the 30 days allotted, this Order shall become a FINAL ORDER on the 31<sup>st</sup> day following the receipt of the Order, the face amount of the forfeited bail bond shall be deposited with the court clerk, and the fines ordered herein shall be due to the Oklahoma Insurance Department.**

WITNESS My Hand and Official Seal this  day of May, 2011.

JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA



Natasha M. Scott

Natasha M. Scott  
Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 521-2746  
Fax (405) 521-0125

### CERTIFICATE OF SERVICE

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 certified, return receipt requested, on this 5<sup>th</sup> day of May, 2011, to:

Patricia Thatcher  
1209 S. Main  
Stillwater, OK 74071

United States Fire Insurance Company  
ATTN: Fred Bustamonte  
10350 Richmond Ave., Suite 300  
Houston, TX 77042

Natasha M. Scott

Natasha M. Scott

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

7001 0320 0004 2106 2471

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		



Total Postage

Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+

Patricia Thatcher  
1209 S. Main  
Stillwater, Ok 74071  
sms/11-0458-DIS/Cond. Ord.

PS Form 3800, January 2001 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Patricia Thatcher  
1209 S. Main  
Stillwater, Ok 74071  
sms/11-0458-DIS/Cond. Ord.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT  
MAY 1 2011

Legal Division Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7001 0320 0004 2106 2471

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

7001 0320 0004 2106 2464

OFFICIAL USE

Postage \$  
 Certified Fee  
 Return Receipt Fee  
 (Endorsement Required)  
 Restricted Delivery Fee  
 (Endorsement Required)



Total Postage

Sent To  
 Street, Apt. No.  
 or PO Box No.  
 City, State, ZIP+

United States Fire Ins. Co.  
 Attn: Fred Bustamonte  
 10350 Richmond Av.e, Suite 300  
 Houston, TX 77042  
 sms/10-0458-DIS/Cond.Ord.

PS Form 3800, January 2001

See reverse for instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

United States Fire Ins. Co.  
 Attn: Fred Bustamonte  
 10350 Richmond Av.e, Suite 300  
 Houston, TX 77042  
 sms/10-0458-DIS/Cond.Ord.

2. Article Number  
 (Transfer from service label)

7001 0320 0004 2106 2464

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 Kate Thompson 5-9-11

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**NOTICE OF NON-PAYMENT OF BOND FORFEITURE**

Date March 24, 2011

**RECEIVED**  
OKLAHOMA INSURANCE DEPARTMENT

**MAR 25 2011**

**MAILROOM**

Attn: Licensing / Anna  
Oklahoma Insurance Department  
3625 NW 56th Street, Suite 100  
Oklahoma City, OK 73112-4511

Re: State of Oklahoma vs. Kelsey Sue Wharton

Logan COUNTY

Case Number CM-2010-19

To Whom It May Concern:

Pursuant to 59 O.S. §1332, we are formally notifying your office that the bondsman, Patricia Gale Thatcher, and his/her surety, United States Fire Insurance Company have failed to pay the forfeiture in the above captioned case in the amount of \$ 1,000.00 regarding Power Number U1-20250119 (if applicable) which was forfeited by the District Court on 06/10/2010 (date). The statutory 91<sup>st</sup> day from receipt of notice/ mailing would have occurred 10/11/2010 (date).

Attached you will find a certified copy of the Order and Judgment of Forfeiture and proof of mailing to the bondsman and, if applicable, his/her surety as required by law.

Submitted by:

ReJeania Zmek District Court Clerk

Logan, Oklahoma

By [Signature] (Position), 2nd Deputy Court Clerk

Telephone number - ( 405 ) 282-0123

**RECEIVED**  
OKLAHOMA INSURANCE DEPARTMENT

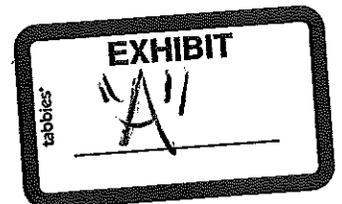
**MAR 28 2011**

**Agent Licensing Division**

(Seal)

Note-Please also attach certified copies of the docket sheet, appearance bond, power of attorney, and any Motions and Orders that pertain to the bail bond forfeiture. Thank you.

(Rev 02/2011)





IN THE DISTRICT COURT OF LOGAN COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA  
LOGAN COUNTY, SS  
FILED FOR RECORD

2010 FEB -3 PM 1:15

State of Oklahoma, Plaintiff,  
vs. )  
Kelsay S. Wharton, Defendant. )

Case No. CM-2010-0019  
BY REJEANIA ZMEK DEPUTY CLERK

DOB: 1.1.18.188  
SS#: 603123109  
DL#

APPEARANCE BOND

KNOW-ALL MEN, BY THESE PRESENTS, that we the above named defendant, as principal, and the undersigned Ratner Thatcher / United States Fire Insurance License Number 10053191, as surety(ies), personally appeared before the undersigned authority and jointly and severally acknowledged themselves to be indebted to the State of Oklahoma in the sum of One thousand Dollars (\$1,000.) good and lawful money of the United States, to which payment well and truly made we bind ourselves, our assigns, heirs, executors and administrators jointly and severally, firmly by these presents.

The conditions of this bond are such that, if the above named defendant, who has been committed to the county jail of Logan County, State of Oklahoma, shall personally appear before the District Court of said County on the 4 Day of March, 2010, at 9:30 o'clock A.M., of said day, and from term to term, and from day to day of each term, to answer a charge preferred against him for the offense of

Boys Check

and shall not depart the said Court without leave and shall obey any order issued by said Court, then this bond shall be void; otherwise, this bond shall remain in full force and effect.

Witness our hands and seals this 3rd day of February, 2010.

Kelsay Wharton Principal  
Ratner Thatcher Surety  
United States Fire Insurance Surety  
176 Fitzhugh OK 74843 Address  
1209 S. Main Stw. Ok 74074 Address  
10350 Richmond Ave. Suite 300, Houston TX 77042 Address

Taken, subscribed and acknowledged this 3 day of Feb, 2010

REJEANIA ZMEK, COURT CLERK

(SEAL)

By: [Signature] Deputy

This undertaking approved this 3 day of Feb, 2010

REJEANIA ZMEK, COURT CLERK

By: [Signature] Deputy

AFFIDAVIT AS TO UNDERTAKING

STATE OF OKLAHOMA, COUNTY OF LOGAN, ss:

The undersigned, being first duly sworn upon oath, says that he is a resident of Pontotoc County, State of Oklahoma, and that neither he nor anyone for his use has received or been promised any security or consideration for making this undertaking, except as hereinafter specified under one or more of the following, to-wit:

- a) Consideration for this undertaking received or promised in the sum of \$ 150.00
- b) Other security received or promised for making this undertaking is as follows: \_\_\_\_\_

c) Such promise, security or consideration was received from:

Name Kelsay Wharton Address Smith highway one Fitzhugh OK 74843

Name

Address

I understand that any willful misstatement relating to the security or consideration promised or given shall make me liable to the same prosecution and penalty as one who commits perjury.

Affiant Ratner Thatcher Address 1209 S. Main Stillwater, Ok 74074

Subscribed and sworn to before me this 3 day of Feb, 2010

(SEAL)

I, REJEANIA ZMEK, Court Clerk for Logan County, Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the Court Clerk's Office of Logan County, Okla. this 24 day of March, 2011.

REJEANIA ZMEK, COURT CLERK

By: [Signature] Deputy

By: [Signature] Deputy



**QUALIFICATION OF SURETY**

12 o.s. § 62 (OSCN 2001)

STATE OF OKLAHOMA )  
 )  
COUNTY OF LOGAN )

ss:

Amount of Bond

\$ 1,000

The undersigned surety(ies), being duly sworn upon oath state(s): That he/she (is)(are) a citizen of the United States, is 21 years of age or over, and is a bona fide resident of the State of Oklahoma for the period of six months immediate last past.

United States Fire Insurance Company  
10350 Hammond Ave., Suite 306, Houston, TX 77042  
P.O. Box 2907 - Houston, Texas 77252-2907  
(713) 954-8100 (713) 954-0389 FAX

**POWER OF ATTORNEY**

POWER NO.

\*\*\*U1 -20250119\*\*\*

POWER AMOUNT \$

\*\*\* 1,000\*\*\*

This Power of Attorney is granted pursuant to Article IV of the By-Laws of UNITED STATES FIRE INSURANCE COMPANY as now in full force and effect. Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice-President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation: (a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements; (b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

This power of Attorney is for use with Bail Bonds only. Not valid if used in connection with Federal Bonds or Immigration Bonds. This power void if altered or erased, void if used with other powers of this company or in combination with powers from any other surety company, void if used to furnish bail in excess of the stated face amount of this power, and can only be used once.

The obligation of the company shall not exceed the sum of **\*\*\*ONE THOUSAND DOLLARS\*\*\*** and provided this Power-of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power-of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, THE UNITED STATES FIRE INSURANCE COMPANY has caused these presents to be signed by its duly authorized officer, proper for the purpose and its corporate seal to be hereunto affixed this 01 DAY of Feb. MONTH 2010 YEAR

Bond Amount \$ 1,000.00  
Defendant Kelsey Wharton  
Charges Obtaining cash or mach. by bogus check  
Court Logan  
Case No. CPM-2010-19  
City Ada State OK  
If rewrite, original No. \_\_\_\_\_  
Executing agent Patricia Thatcher  
NAME



By [Signature]  
Richard J. Klimaszewski  
Vice President

VOID IF NOT ISSUED BY: 08/01/2010

FOR STATE USE ONLY  
NOT VALID IF USED IN FEDERAL COURT

COPY FOR COURT

Surety

Surety

**AFFIDAVIT FOR CASH BOND**

I am worth, over and above all exemptions, debts, liabilities, the sum of \_\_\_\_\_

(Must be double the amount to be secured.) (\$ \_\_\_\_\_).

Surety

Address

This Qualification of Surety subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

(SEAL)

REJEANIA ZMEK, COURT CLERK

By: \_\_\_\_\_ Deputy

RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT  
MAR 28 2011  
Agent Licensing Division

IN THE DISTRICT COURT OF LOGAN COUNTY, STATE OF OKLAHOMA

The State of Oklahoma, Plaintiff

vs.

Kelsey Sue Wharton, Defendant



Case Number: CM-2010-19

2010 JUL -7 AM 9:51

REJEANIA ZMEK  
COURT CLERK

BY DEPUTY

ORDER AND JUDGMENT OF FORFEITURE

On the 10<sup>th</sup> day of June, 2010, the above cause came on for hearing, according to regular assignment of the docket of this Court.

The Court finds that the above named defendant having heretofore been charged with the crime of **Obtaining Cash or Merchandise by Bogus Checks** and having been committed to bail in the amount of \$1,000.00, was released on an Appearance Bond executed by **Patricia Gale Thatcher**, a licensed bondsman, and **United States Fire Insurance Co.**, if applicable, his insurer, said bond conditioned as provided by law for the appearance of said on the 10<sup>th</sup> day of June, 2010, and said defendant, being called three times in open court, without sufficient excuse, failed to appear before the Court as ordered.

The Court further finds that said bondsman had due and legal notice as provided by law of the required appearance of said defendant.

The Court further finds that the conditions of said Appearance Bond have been broken by both defendant and said bondsman, and that an Order and Judgment of Forfeiture should be entered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Appearance Bond of said defendant be, and the same is hereby declared and is ordered forfeited to the State of Oklahoma, and the amount of said bond is ordered paid to the Clerk of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court Clerk shall immediately mail a copy of this Order and Judgment of Forfeiture to the bondsman and, if applicable, his insurer. The bondsman is hereby directed to deposit with the Court Clerk, the face amount of said forfeited bond, to wit: **\$1,000.00**. Such deposit to be made within 91 days from receipt of this Order and Judgment of Forfeiture, or the mailing of the notice if no receipt is made.

Louis A. Duel  
JUDGE OF THE DISTRICT COURT

CERTIFICATE OF MAILING

I certify that I mailed a true and correct copy of this instrument to the above named bondsman and if applicable, his insurer to the last known address of each, by certified mail with return receipt requested this 7<sup>th</sup> day of July, 2010.

REJEANIA ZMEK, COURT CLERK

By: 2<sup>nd</sup> Deputy Clerk

I, REJEANIA ZMEK, Court Clerk for Logan County, Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the Court Clerk's Office of Logan County, Okla. this 24 day of March, 2011.

REJEANIA ZMEK, Court Clerk

By Deputy



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PATRICIA GALE THATCHER  
 IN RE: CM-2010-19  
 1209 SOUTH MAIN  
 STILLWATER OK 74074

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*Patricia Thatcher*  Addressee

B. Received by (Printed Name)  Addressed  
*Patricia Thatcher*  Addressee

C. Date of Delivery  Agent  
*7-12-10*  Addressee

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  NO  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) **7007 1490 0002 0655 8457**

PS Form 3811, February 2004 Domestic Return Receipt 102395-02-M-1540

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

UNITED STATES FIRE INSURANCE CO  
 IN RE: CM-2010-19  
 10350 RICHMOND AVE SUITE 300  
 HOUSTON TX 77042

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*Patricia Thatcher*  Addressee

B. Received by (Printed Name)  Addressed  
*Patricia Thatcher*  Addressee

C. Date of Delivery  Agent  
*7/10*  Addressee

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  NO  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) **7007 1490 0002 0655 8454**

PS Form 3811, February 2004 Domestic Return Receipt 102395-02-M-1540

**U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 10.04

Postmark Here

PATRICIA GALE THATCHER  
 IN RE: CM-2010-19  
 1209 SOUTH MAIN  
 STILLWATER OK 74074

For Instructions

2548 5590 2000 064T 2002

**U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.54

Postmark Here

UNITED STATES FIRE INSURANCE CO  
 IN RE: CM-2010-19  
 10350 RICHMOND AVE SUITE 300  
 HOUSTON TX 77042

For Instructions

4948 5590 2000 064T 2002