BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner, Petitioner,	)	
vs.	)	
EUGENE PHILLIPS, a licensed bail bondsman in the State of Oklahoma,	)	CASE NO. 12-0092-DIS
	)	12-0093-DIS
AND	)	12-0094-DIS
SAFETY NATIONAL CASUALTY CORPORATION, a licensed insurance company in the State of Oklahoma, Respondents.	)	

FILED
MAR 09 2012
INSURANCE COMMISSIONER
OKLAHOMA

CONDITIONAL ADMINISTRATIVE ORDER AND NOTICE OF RIGHT TO BE HEARD

COMES NOW the State of Oklahoma, ex rel., John D. Doak, Insurance Commissioner, by and through counsel and alleges and states as follows:

JURISDICTION

1. John D. Doak 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. §§ 101-7004 and the Oklahoma Bail Bond Act 59 O. S. §§ 1301-1340.

2. Respondent Eugene Phillips ("Phillips") is a licensed bail bondsman in the State of Oklahoma holding license number 40056559.

3. Respondent Safety National Casualty Corporation ("Safety National") is a licensed insurance company in the State of Oklahoma holding license number 15105.

FINDINGS

12-0092-DIS

1. On or about February 7, 2011, an appearance bond was executed as follows:

Defendant:	Luv Waritha Nedio
Case Number(s):	CF-2011-1384
City/County:	Oklahoma County
Surety:	Safety National Casualty Corporation
Bondsman:	Eugene Phillips
Power Number(s):	S5-1967602
Bond Amount(s):	$2,500

2. On August 3, 2011, the Defendant failed to appear, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued by the court on August 25, 2011 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. Phillips received a copy of the Order and Judgment of Forfeiture on September 15, 2011.

4. Safety National received a copy of the Order and Judgment of Forfeiture on August 29, 2011.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was December 15, 2011. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture.

6. On December 15, 2011, Phillips submitted check #1778 in the amount of Twelve Thousand Five Hundred Dollars ($12,500) for payment of this forfeiture as well as the two forfeitures listed below. Check #1778 was returned to the Oklahoma County Court Clerk's office as insufficient on December 29, 2011.

7. As of the date of this order, the forfeiture remains unpaid.

12-0093-DIS

8. On or about June 21, 2011, an appearance bond was executed as follows:

Defendant:	Jason D. Robinson
Case Number(s):	CF-2011-4074

City/County:	Oklahoma County
Surety:	Safety National Casualty Corporation
Bondsman:	Eugene Phillips
Power Number(s):	S5-2000943
Bond Amount(s):	$4,000

9. On August 17, 2011, the Defendant failed to appear, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued by the court on September 12, 2011 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.

10. Phillips received a copy of the Order and Judgment of Forfeiture on September 15, 2011.

11. Safety National received a copy of the Order and Judgment of Forfeiture on September 15, 2011.

12. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was December 15, 2011. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture.

13. On December 15, 2011, Phillips submitted check #1778 in the amount of Twelve Thousand Five Hundred Dollars ($12,500) for payment of this forfeiture as well as the other two forfeitures listed in this Order. Check #1778 was returned to the Oklahoma County Court Clerk's office as insufficient on December 29, 2011.

14. As of the date of this order, the forfeiture remains unpaid.

12-0094-DIS

8. On or about February 11, 2011, an appearance bond was executed as follows:

Defendant:	Miguel Cardoza Castaneda
Case Number(s):	CF-2011-178
City/County:	Oklahoma County
Surety:	Safety National Casualty Corporation

Bondsman:	Eugene Phillips
Power Number(s):	S10-1971785
Bond Amount(s):	$6,000

9. On August 8, 2011, the Defendant failed to appear, and the bond was declared forfeited. An Order and Judgment of Forfeiture was issued by the court on August 30, 2011 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.

10. Phillips received a copy of the Order and Judgment of Forfeiture on September 15, 2011.

11. Safety National received a copy of the Order and Judgment of Forfeiture on September 2, 2011.

12. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was December 15, 2011. The Defendant was not returned to custody within ninety (90) days of receipt of the Order and Judgment of Forfeiture.

13. On December 15, 2011, Phillips submitted check #1778 in the amount of Twelve Thousand Five Hundred Dollars ($12,500) for payment of this forfeiture as well as the other two forfeitures listed above. Check #1778 was returned to the Oklahoma County Court Clerk's office as insufficient on December 29, 2011.

14. As of the date of this order, the forfeiture remains unpaid.

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 bond forfeiture within ninety-one (91) days from receipt of the Order and Judgment of Forfeiture. Under 59 O.S. § 1310(B), any person found to be in violation of the Bail Bond Code "may be subject to a civil

penalty of not less than Two Hundred Fifty Dollars ($250.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00) for each occurrence."

ORDER

IT IS THEREFORE ORDERED that Eugene Phillips and Safety National are each fined in the amount of One Thousand Two Hundred Fifty Dollars ($1,250.00).

Respondents are further notified that either or both 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 Michael P. Copeland, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Suite 100, Oklahoma City, Oklahoma 73112 and **give an explanation of Respondents' actions described herein and any defenses thereto.**

If Respondents do not request a hearing within the 30 days allotted, this Order shall become a FINAL ORDER on the 31st day following the receipt of the Order, the face amount of the forfeited bail bonds shall be deposited with the Oklahoma County Court Clerk, and the fines ordered herein shall be due.

WITNESS My Hand and Official Seal this 8th day of March, 2012.

JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Michael P. Copeland
Assistant General Counsel
3625 NW 56th 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 8th day of March, 2012, to:

Eugene Phillips
P.O. Box 21801
Oklahoma City, OK 73156-1801

Safety National Casualty Corporation
1832 Schuetz Road
St. Louis, MO 63146-3540

Michael P. Copeland

7006 2760 0005 6605 5706

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Sent To
Safety National Casualty Corp.
1832 Schuetz Road
St. Louis, MO 63146-3540
sms/12-0092-DIS, 12-0093-DIS, & 12-0094-DIS; Cond. Ord.

Street, Apt. N or PO Box N

City, State, Z

PS Form 3800, August 2006 — 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:

Safety National Casualty Corp.
1832 Schuetz Road
St. Louis, MO 63146-3540
sms/12-0092-DIS, 12-0093-DIS, & 12-0094-DIS; Cond. Ord.

OKLAHOMA INSURANCE DEPARTMENT
RECEIVED
MAR 15 2012
Legal Division

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Joe Bauer ☐ Agent ☐ Addressee

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

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

2. Article Number *(Transfer from service label)* 7006 2760 0005 6605 5706

PS Form 3811, February 2004 — Domestic Return Receipt — 102595-02-M-1540

7006 2760 0005 6605 5713

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MAR 08 2012

Postmark Here

Sent To

Street, Apt. N or PO Box No

City, State, Zi

Eugene Phillips
P.O. Box 21801
Oklahoma City, Ok 73156-1801
sms/12-0092-DIS, 12-0093-DIS,
& 12-0094-DIS; Cond. Ord.

PS Form 3800, August 2006 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.

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
MAR 23 2012
Legal Division

1. Article Addressed to:

Eugene Phillips
P.O. Box 21801
Oklahoma City, Ok 73156-1801
sms/12-0092-DIS, 12-0093-DIS,
& 12-0094-DIS; Cond. Ord.

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature]
☐ Agent
☐ Addressee

B. Received by (*Printed Name*) Eugene Phillips
C. Date of Delivery 3-21-12

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

US VILLAGE OKLAHOMA
MAR 21 2012

3. 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*) 7006 2760 0005 6605 5713

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540