BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,	)	
Petitioner,	)	
vs.	)	
	)	Case No. 12-0882-DIS
EUGENE PHILLIPS, a licensed bail bondsman in the State of Oklahoma,	)	
Respondent.	)	

FILED
OCT 04 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. §§ 101-7301, and the Oklahoma Bail Bond Act, 59 O. S. §§ 1301-1340.

2. Eugene Phillips ("Respondent") is a licensed bail bondsman in the State of Oklahoma holding license number 40036559.

FINDINGS OF FACT

1. On August 15, 2012, Respondent submitted to the Oklahoma Insurance Department ("Department") his July 2012 Safety National Casualty Corporation report.

2. With this report, Respondent submitted an Electronic Funds Transfer ("EFT") of $374.02. The Oklahoma State Treasurer charged the EFT back to the Department as "Insufficient Funds."

3. On September 13, 2012, Department staff sent Respondent a letter by email and

certified mail with return receipt requested requesting that the funds be replaced and a service fee of $25.00 be paid within five days of receipt of the letter. Respondent signed for the certified letter on September 16, 2012.

4. As of the date of this Order, Respondent has not replaced the funds or responded to the Department.

CONCLUSIONS OF LAW

1. Respondent has violated 59 O.S. § 1310(A)(27) by uttering insufficient funds to the Commissioner.

2. Respondent has violated 59 O.S. § 1310(A)(21) by failing to respond to a properly mailed notification within a reasonable amount of time.

ORDER

IT IS THEREFORE ORDERED that Eugene Phillips is CENSURED and FINED Two Hundred Fifty Dollars ($250.00).

IT IS FURTHER ORDERED that Eugene Phillips shall replace the insufficient EFT and pay the service fee owed. The total amount owed to the Department, independent of the fine ordered above, is Three Hundred Ninety-Nine Dollars and Two Cents ($399.02).

Respondent is further notified that he 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 Buddy Combs, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Suite 100, Oklahoma City, Oklahoma 73112 and **give an explanation of Respondent's actions described herein and any defenses thereto.**

If Respondent fails to either (1) replace the EFT and pay the service fee owed **OR** (2) request a hearing within 30 days of receipt of this Order, this Order shall become a **FINAL ORDER** on the 31st day, Respondent's license shall be **SUSPENDED**, and the fine ordered herein shall be due.

WITNESS My Hand and Official Seal this 4th day of October, 2012.

JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

William G. "Buddy" Combs
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 521-2746
Fax (405) 521-0125

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 certified, return receipt requested on this 4th day of October, 2012, to:

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

Buddy Combs
William G. "Buddy" Combs

7001 0320 0003 9967 8650

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

OFFICIAL USE

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

Postmark Here

USPS PENN-89 OKLAHOMA CITY OK 73156 OCT - 4 2012

Sent To

Street, Apt. No or PO Box No.

City, State, ZIP

Eugene Phillips
P.O. Box 21801
OKC, OK 73156-1801
sms/12-0882-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:

Eugene Phillips
P.O. Box 21801
OKC, OK 73156-1801
sms/12-0882-DIS/Cond. Ord.

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
OCT 15 2012
Legal Division

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Age ☐ Addre

B. Received by (*Printed Name*) Eugene Phillips

C. Date of Deliv 10-11-12

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) 7001 0320 0003 9967 8650

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