

**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,)
)
)
Respondent.)

FILED

NOV 28 2012

INSURANCE COMMISSIONER
OKLAHOMA

Case No. 12-1017-DIS

**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 September 16, 2012, Respondent submitted to the Oklahoma Insurance Department (“Department”) his August 2012 Safety National Casualty Corporation report.
2. With the report, Respondent submitted an Electronic Funds Transfer (“EFT”) of \$38.00. The Oklahoma State Treasurer charged the EFT back to the Department as “Insufficient Funds.”
3. On October 25, 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 November 6, 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.

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 in this case is Thirty-Eight Dollars (\$38.00).

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 replace the EFT and pay the service fee owed within 30 days of receipt

of this Order, this Order shall become a **FINAL ORDER** on the 31st day and Respondent's license shall be **SUSPENDED**.

WITNESS My Hand and Official Seal this 28th day of November, 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) 522-0125

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 28th day of November, 2012, to:

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



William G. "Buddy" Combs