

**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**

**JUL 15 2013**

**INSURANCE COMMISSIONER  
OKLAHOMA**

Case No. 13-0175-DIS

**ADMINISTRATIVE ORDER**

This matter is a disciplinary proceeding under the Oklahoma Bail Bond Act. The Oklahoma Insurance Department (the "Department") issued a Conditional Administrative Order and Notice of Right to be Heard on February 26, 2013, alleging Respondent Eugene Phillips ("Phillips" or "Respondent") violated several provisions of the Bail Bond Act. Phillips requested a hearing on the matter on March 12, 2013.

The hearing was set before the undersigned Hearing Examiner for June 20, 2013. On May 15, 2013, the Notice of Hearing was mailed by certified mail, return receipt requested, to Respondent's mailing address on file with the Department: Post Office Box 21801, Oklahoma City, Oklahoma 73156-1801. Phillips signed for the certified mailing on May 28, 2013. The matter was continued to July 9, 2013, with a Continuance mailed to Phillips on June 5, 2013. Phillips signed for the certified mailing on June 8, 2013.

Petitioner appeared through his attorney Buddy Combs on July 9, 2013. Respondent was present and waived his right to be represented by counsel. Evidence was presented and testimony was heard. Petitioner offered Exhibits 1, 2, 3, 5, 6, 7, and 8 as proof to support the Findings of Fact and Conclusions of Law contained in the Conditional Administrative Order

and Notice of Right to be Heard.

### **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. Respondent is a licensed bail bondsman in the State of Oklahoma holding license number 40036559.

3. The Insurance Commissioner may deny, censure, suspend, revoke, or refuse to renew any license issued pursuant to the Oklahoma Bail Bond Act and/or may levy a fine of not less than \$250.00 but not more than \$2,500.00 for each occurrence of a violation of the Oklahoma Bail Bond Act. 59 O.S. § 1310(A) and (B).

### **FINDINGS OF FACT**

1. On February 12, 2013, professional bail bondsman Raymond Merrill submitted to the Department a notice of appointment for Respondent.

2. Accompanying the notice of appointment was an affidavit prepared pursuant to 59 O.S. § 1317(C), stating, among other things, that Respondent did not owe any fines to the Department. Respondent signed the notarized affidavit on February 8, 2013.

3. As of February 8, 2013, Respondent owed fines to the Department in cases 12-0261-DIS, 12-0848-DIS, and 12-0882-DIS.

4. On February 13, 2013, before Respondent's appointment was approved by the Department, Respondent posted two bonds by power of attorney on behalf of Raymond

Merrill in Oklahoma County cases CF-12-2413 and CF-12-7268.

5. On February 14, 2013, the Oklahoma County Court Clerk's office notified the Department of the bonds.

6. On February 15, 2013, the Department approved Respondent's appointment and notified Respondent and other appropriate parties of the approval via e-mail.

#### CONCLUSIONS OF LAW

1. Respondent filed a false affidavit in violation of 59 O.S. § 1317(C), which mandates that "[p]rior to the issuance of a new surety appointment for a surety bondsman or managing general agent, the bondsman or agent shall file an affidavit with the Commissioner stating that no forfeitures are owed to any court, no fines are owed to the insurance department, and no premiums or indemnification for forfeitures or fines are owed to an insurer."

2. Respondent has violated 59 O.S. § 1320(A) by posting bonds by power of attorney before filing a valid certified copy of his appointment with the sheriff and court clerk of Oklahoma County.

#### ORDER

**Petitioner's admitted Exhibits 1, 2, 3, 5, 6, 7, and 8 and testimony offered at hearing support the Findings of Fact and Conclusions of Law in the Conditional Administrative Order and Notice of Right to be Heard as true and correct.**

**IT IS THEREFORE ORDERED that Respondent is FINED in the amount of Two Hundred Fifty Dollars (\$250.00) and shall pay the costs of the hearing in the amount of Sixty-Two Dollars and Fifty Cents (\$62.50), due and payable to the**

Oklahoma Insurance Department immediately.

WITNESS My Hand and Official Seal this 11<sup>th</sup> day of July, 2013.



A handwritten signature in cursive script that reads "Stephan Mathis".

STEPHAN MATHIS  
INDEPENDENT HEARING EXAMINER  
OKLAHOMA INSURANCE DEPARTMENT

**CERTIFICATE OF MAILING**

I, Buddy Combs, hereby certify that a true and correct copy of the above and foregoing Administrative Order was mailed via certified mail with return receipt requested on this 15<sup>th</sup> day of July, 2013, to:

Eugene Phillips  
Post Office Box 21801  
Oklahoma City, OK 73156-1801

**CERTIFIED MAIL NO:**

and that a copy was delivered to:

Bail Bonds Division

A handwritten signature in cursive script that reads "Buddy Combs".

WILLIAM G. "BUDDY" COMBS  
Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 521-2746  
Fax (405) 522-0125

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

7001 0320 0004 4249 8518

OFFICIAL



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

**Total Postage** Eugene Phillips  
P.O. Box 21801  
OKC, OK 73156-1801  
**sms/13-0175-DIS/Admin Ord**

Sent To \_\_\_\_\_  
Street, Apt. N or PO Box No \_\_\_\_\_  
City, State, Zi \_\_\_\_\_

**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/13-0175-DIS/Admin Ord**

2. Article Number  
*(Transfer from service label)*

7001 0320 0004 4249 8518

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
B. Received by (Printed Name) Eugene Phillips  
C. Date of Delivery 7-31-13  
is delivery address different from item 1?  Yes  
if YES, enter delivery address below:  No

RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT

AUG 02 2013

Local Division

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

4. Restricted Delivery? (Extra Fee)  Yes

