BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

FILED
JAN 08 2015
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner, Petitioner,	)	
vs.	)	
BILLY DUANE HOCKER, a licensed bail bondsman in the State of Oklahoma,	)	
AND	)	**CASE NO. 15-0003-DIS**
UNITED STATES FIRE INSURANCE COMPANY, an insurance company licensed to act as bail surety in the State of Oklahoma, Respondents.	)	

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. Respondent Billy Duane Hocker ("Hocker") was a licensed bail bondsman in the State of Oklahoma holding license number 100124706. Hocker's license was revoked on May 3, 2014.

3. Respondent United States Fire Insurance Company ("USFIC") is an insurance company licensed to act as bail surety in the State of Oklahoma holding NAIC number 21113.

FINDINGS OF FACT

1. On or about November 17, 2013, an appearance bond was executed as follows:

Defendant:	Larry Wayne Whitfield
Case Number(s):	CM-2013-1084
City/County:	Garfield County
Surety:	United States Fire Insurance Company
Bondsman:	Billy Duane Hocker
Power Number(s):	U1-20474594
Bond Amount(s):	$1000

2. On August 25, 2014, the Defendant failed to appear, and the bond was orally declared forfeited. An Order and Judgment of Forfeiture was filed by the court on September 4, 2014. 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 Order's filing.

3. Hocker's copy of the Order and Judgment of Forfeiture was unclaimed.

4. USFIC received a copy of the Order and Judgment of Forfeiture on September 11, 2014.

5. The ninetieth (90th) day after receipt of the Order and Judgment of Forfeiture by Respondents was Wednesday, December 10, 2014.

6. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Thursday, December 11, 2014.

7. As of the date of this Order, the bond forfeiture has not been paid or otherwise set aside or the bond exonerated.

8. The Defendant was not returned to custody within 90 days, nor was the face amount of the forfeited bond deposited with the Court Clerk within 91 days, after receipt of the Order and Judgment of Forfeiture by Respondents.

CONCLUSIONS OF LAW

1. The allegations are found to be true and correct, and Respondents have violated 59 O.S. § 1332(D) by failing to remit payment in the face amount of the bond forfeiture within ninety-one (91)

days from receipt of the Order and Judgment of Forfeiture.

2. Pursuant to 59 O.S. § 1310(B), any bondsman or company violating a provision of the Bail Bond Act, 59 O.S. §§ 1301-1340, may be subject to a fine of not less than $250 but not more than $2,500.

3. Pursuant to 59 O.S. § 1332(D)(4)(a), when a surety company does not properly deposit with the court clerk the face amount of the forfeited bond, the Commissioner shall "cancel the license privilege and authorization of the insurer to do business within the State of Oklahoma and cancel the surety appointment of all surety bondsman agents of the insurer.

ORDER

IT IS THEREFORE ORDERED that Billy Duane Hocker and United States Fire Insurance Company are each **CENSURED** and **FINED** Two Hundred Fifty Dollars ($250.00).

IT IS FURTHER ORDERED that the face amount of the bond forfeiture shall be deposited with the Garfield County Court Clerk (or the bond forfeiture otherwise set aside or the bond exonerated) within thirty (30) days of receipt of this Order. Failure to do so shall result in the **CANCELLATION** of United States Fire Insurance Company's license privilege and authorization to do business within the State of Oklahoma and **CANCELLATION** of the surety appointment of all surety bondsman agents of United States Fire Insurance Company.

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 Dan R. Byrd, Assistant General Counsel, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Suite 100, Oklahoma City, Oklahoma 73112 and **give an explanation of Respondents'**

actions alleged 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, and the fines ordered herein shall be due.

WITNESS My Hand and Official Seal this 8th day of January, 2015.

JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Dan R. Byrd
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 522-6330
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 9th day of January, 2015 to:

Billy Duane Hocker
1702 N. Monroe
Enid, OK 73701

CERTIFIED MAIL NO:
7014 2870 0000 5493 2590

United States Fire Insurance Company
Attn: Dee Evans
10350 Richmond Ave., Ste 300
Houston, TX 77042-4348

CERTIFIED MAIL NO:
7014 2870 0000 5493 2606

Dan R. Byrd

7014 2870 0000 5493 2590

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Sent To

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

City, State, ZIP+4

Billy Duane Hocker
1702 N. Monroe
Enid, OK 73701
15-0003-DIS/DRB(mt)
Cond.Adm.Ord. ~01-07-15

Postmark Here

OKLAHOMA CITY, OK
JAN 8 2015
USPS 73118-9998

PS Form 3800, July 2014

See Reverse for Instructions

JOHN D. DOAK
Insurance Commissioner
Oklahoma Insurance Department
5 Corporate Plaza
3625 N.W. 56th St., Ste. #100
Oklahoma City, OK 73112-4511

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OKLAHOMA INSURANCE DEPARTMENT
JAN 16 2015
Legal Division

Billy Duane Hocker
1702 N. Monroe
Enid, OK 73701

X 731 N7E 1009A13I0001/09/15
FORWARD TIME EXP RTN TO SEND
HOCKER
2549 HOMESTEAD RD
ENID OK 73703-1647

RETURN TO SENDER

73701281502

7014 2870 0000 5493 2590

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Total Postage & Fee	

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

City, State, ZIP+4

Billy Duane Hocker
1702 N. Monroe
Enid, OK 73701
15-0003-DIS/DRB(mt)
Cond.Adm.Ord. ~01-07-15

OKLAHOMA CITY, OK JAN 2015 USP 73118-9998

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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:

Billy Duane Hocker
1702 N. Monroe
Enid, OK 73701
15-0003-DIS/DRB(mt)
Cond.Adm.Ord. ~01-07-15

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
JAN 16 2015
Legal Division

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ 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

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7014 2870 0000 5493 2590

PS Form 3811, July 2013 Domestic Return Receipt

7014 2870 0000 5493 2606

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fee	

Postmark Here

OKLAHOMA CITY OK 8666-8 JAN 8 2015 US 73118

Sent To United States Fire Insurance Company
Attn: Dee Evans
Street & Apt. No., or PO Box No. 10350 Richmond Ave., Ste. 300
City, State, ZIP+4 Houston, TX 77042-4348
15-0003-DIS/DRB(mt)
Cond.Adm.Ord. ~01-07-15

PS Form 3800, July 2014 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

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United States Fire Insurance Company
Attn: Dee Evans
10350 Richmond Ave., Ste. 300
Houston, TX 77042-4348
15-0003-DIS/DRB(mt)
Cond.Adm.Ord. ~01-07-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* Letson C. Date of Delivery 1-12-15

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

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
JAN 29 2015
Legal Division

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7014 2870 0000 5493 2606

PS Form 3811, July 2013 Domestic Return Receipt