BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

FILED
AUG 24 2015
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner, Petitioner,	)	
vs.	)	
THOMAS FERGUSON, a licensed bail bondsman in the State of Oklahoma,	)	
AND	)	CASE NO. 15-0943-DIS
CRUM & FORSTER INDEMNITY 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 Thomas Ferguson ("Ferguson") is a licensed bail bondsman in the State of Oklahoma holding license number 199725.

3. Respondent Crum & Forster Indemnity Company ("CFIC") is an insurance company licensed to act as bail surety in the State of Oklahoma holding NAIC number 31348.

FINDINGS OF FACT

1. On or about February 23, 2015, an appearance bond was executed as follows:

Defendant:	Jeremy Ryan Pritchett
Case Number(s):	CF-2014-7785
City/County:	Oklahoma County Court Clerk
Surety:	Crum & Forster Indemnity Company
Bondsman:	Thomas Ferguson
Power Number(s):	C5-70167695
Bond Amount(s):	$2000

2. On April 23, 2015, the Defendant failed to appear, and the bond was orally declared forfeited. An Order and Judgment of Forfeiture was filed by the court on May 4, 2015. 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. Ferguson received a copy of the Order and Judgment of Forfeiture on May 5, 2015.

4. CFIC received a copy of the Order and Judgment of Forfeiture on May 7, 2015.

5. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture by Respondents was Tuesday, August 4, 2015.

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

7. 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.

9. The bond was reported.

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 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.

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 Thomas Ferguson and Crum & Forester Indemnity Company are each **CENSURED** and **FINED** Four Hundred Dollars ($400.00).

IT IS FURTHER ORDERED that the face amount of the bond forfeiture shall be deposited with the Oklahoma 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 Crum & Forster Indemnity 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 Crum & Forster Indemnity 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 24th day of August, 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 24th day of August, 2015, to:

CERTIFIED MAIL NO:
7015 0640 0004 4933 3816

Thomas Ferguson
1525 NW 40th St.
Oklahoma City, OK 73118

Crum & Forster Indemnity Company
c/o Fairmont Specialty
Attn: Dee Evans
10350 Richmond Ave., Suite 300
Houston, TX 77042

CERTIFIED MAIL NO:
7015 0640 0004 4933 3823

Dan R. Byrd

7015 0640 0004 4933 3816

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- ☐ Adult Signature Restricted Delivery $

Postage
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Total Postage and Fees
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City, State, ZIP+4®

USPS 73118-3300 OKLAHOMA CITY, OK AUG 24 2015

Postmark Here

Thomas Ferguson
1525 NW 40TH St.
Oklahoma City, OK 73118
15-0943-DEN/DRB(mt)
(Cond.Adm.Ord.~8-24-15)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- 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:

Thomas Ferguson
1525 NW 40TH St.
Oklahoma City, OK 73118
15-0943-DEN/DRB(mt)
(Cond.Adm.Ord.~8-24-15)

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
AUG 27 2015
Legal Division

9590 9403 0272 5155 1311 82

2. Article Number *(Transfer from service label)*
7015 0640 0004 4933 3816

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
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- ☐ Adult Signature Restricted Delivery
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- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
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PS Form 3811, April 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

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Total Postage and Fees
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Crum & Foster Indemnity Company
c/o Fairmont Specialty
Attn: Dee Evans
10350 Richmond Ave., Suite 300
Houston, TX 77042
15-0943-DEN/DRB(mt)
(Cond.Adm.Ord.~8-24-15)

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9590 9403 0272 5155 1311 75

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

7015 0640 0004 4933 3823

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature]
☐ Agent
☐ Addressee

B. Received by *(Printed Name)*
April Newton

C. Date of Delivery
8/31/15

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

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SEP 04 2015
Legal Division

3. Service Type
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