

civil penalty of not less than \$250.00 nor more than \$2,500.00 for each occurrence.

5. If Respondent requests a hearing in writing in this matter, pursuant to OAC 365:1-7-1, the Insurance Commissioner, pursuant to 59 O.S. § 1311.1, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

FINDINGS OF FACT

6. On or about October 25, 2021, an appearance bond was executed as follows:

Defendant:	Dennis Lee Smith, Jr.
Case Number(s):	CM-2020-2661
City/County:	Oklahoma County
Surety:	Dennis Lloyal Bergaln
Bondsman:	Dennis Lloyal Bergaln
Power Number(s):	21988
Bond Amount(s):	\$1,000.00

7. On or about September 14, 2022, the Defendant failed to appear, and the bond was declared forfeited. The Oklahoma County District Court issued an Order and Judgment of Forfeiture on or about September 22, 2022. A true and correct copy of the Order and Judgment of Forfeiture was mailed to Respondent at the address of record with return receipt requested within thirty (30) days after the Order's filing.

8. On September 26, 2022, Respondent signed for and received a copy of the Order and Judgement of Forfeiture.

9. The ninety-first (91st) day after receipt of the Order and Judgment of Forfeiture was December 28, 2022.

10. The forfeiture was untimely paid on December 29, 2022.

CONCLUSIONS OF LAW

11. Respondent has violated 59 O.S. §1310(A)(6) and (28), by failing to return the Defendant to custody 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 in accordance with the provisions of 59 O.S. § 1332 and OAC 365:25-5-40 and 365:25-5-41.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent is **FINED** Five Hundred Dollars (**\$500.00**). The fine is to be paid within thirty (30) days of the date of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department located at 400 NE 50th Street, Oklahoma City, Oklahoma 73105. Failure to comply with a proper order of the Commissioner will result in further administrative action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless Respondent requests a hearing with respect to the Findings of Fact set forth above within thirty (30) days of the date of this Conditional Order, the penalties set forth above will become a Final Order on the thirty-first (31st) day following the date of mailing this Order. A request for hearing should be in writing and addressed to Andrea M. Golden, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds for the request to set aside or modify the Order and must be served on the Oklahoma Insurance Department within the 30 days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq., and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 through 324. If Respondent serves a timely request for hearing on the Oklahoma Insurance

Department, this Conditional Order will act as a notice of the matters to be reviewed at the hearing and the Findings of Fact, Conclusions of Law, and penalties imposed in this Conditional Order shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 24th day of February 2023.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in blue ink, appearing to be "Andrea M. Golden", written over a horizontal line.

Andrea M. Golden, OBA #33390
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma 73105
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 by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 24th day of February 2023, to:

Dennis Lloyal Berglan
1945 Exchange Ave.
Oklahoma City, OK 73108-2821
d_n_k_2000@yahoo.com

CERTIFIED MAIL NO:
7022 2410 0003 2697 6483

and a copy was delivered to:

Bail Bonds Division

A handwritten signature in blue ink, appearing to be "Andrea M. Golden", written over a horizontal line.

Andrea M. Golden
Assistant General Counsel