

MAY 9 2012

State of Arizona

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY *LB*

In the Matter of:

No. 12A-048-INS

NORTHERN ARIZONA BAIL BONDS, LLC,

(Unlicensed)

OGDEN, MATTHEW RAY,

(Arizona License # 945544)

(NPN # 14176924)

and OGDEN, RAYMOND NEAL

dba GURLEY STREET BAIL BONDS,

TWIN PEAKS BAIL BONDS, and

COTTONWOOD BAIL BONDS

(Arizona License # 896621)

(NPN # 9486216)

Respondents.

The State of Arizona Department of Insurance ("Department") has received evidence that **Northern Arizona Bail Bonds, LLC, Matthew Ray Ogden and Raymond Neal Ogden** have violated provisions of Title 20, Arizona Revised Statutes. Respondents wish to resolve this matter without the commencement of formal proceedings, and admit the following Findings of Fact are true and consent to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Northern Arizona Bail Bonds, LLC ("Northern AZ BB") is an Arizona corporation. Arizona Corporation Commission records show that Raymond Neal Ogden became the Manager/Member of Northern Arizona Bail Bonds, LLC on July 26, 2007. Northern AZ BB is not licensed with the Department as a bail bond agent.

2. Raymond Neal Ogden is the Statutory Agent for Northern AZ BB.

1 3. Matthew Ray Ogden ("Matthew Ogden") is licensed with the Department as a
2 resident bail bond agent, Arizona license number 945544, which expires on March 31, 2013.

3 4. Matthew Ogden's addresses of record are: c/o Gurley Street Bail Bonds, 3610
4 E. Penny Lane, Cottonwood, Arizona 86326 (business and mailing) and 4510 E. Stevens
5 Way, Rim Rock, Arizona 86335 (residence).

6 5. Raymond Neal Ogden dba Gurley Street Bail Bonds, Twin Peaks Bail Bonds
7 and Cottonwood Bail Bonds ("Raymond Ogden") is licensed with the Department as a
8 resident bail bond agent, Arizona license number 896621, which expires on December 31,
9 2014¹.

10 6. Raymond Ogden's addresses of record are: c/o Gurley Street Bail Bonds, 3610
11 E. Penny Lane, Cottonwood, Arizona 86326 (business, mailing and residence).

12 **Dankemeyer Complaint**

13 7. On or about April 9, 2012, Robert Dankemeyer ("Dankemeyer") filed a Request
14 for Assistance with the Department ("Complaint"). The Complaint alleged that Northern AZ
15 BB failed to post a bond and failed to return premium and fees.

16 8. On or about November 29, 2011, Yavapai County arrested and booked
17 Dankemeyer into the Yavapai County Jail in case CR201100524.

18 9. On or about November 30, 2011, Dankemeyer contacted Matthew Ogden and
19 requested that he post a bond in the amount of \$15,000.

20 10. On or about December 2, 2011, Northern AZ BB secured an appearance bond
21 for Dankemeyer from American Surety Company, Power of Attorney # 358762 ("Dankemeyer

22 _____
23 ¹ Raymond Ogden is also the Owner and Designated Responsible Licensed Producer for
Ogden's Bail Bonds, Arizona license number 954759.

1 bond"). Northern AZ BB charged \$11,845.00 (\$1,545.00 premium, \$10,300.00 collateral) to
2 Dankemeyer's credit card for the Dankemeyer bond. Matthew Ogden incurred \$245 in fees
3 to purchase the Dankemeyer bond. In addition, the credit card company charged \$300 to
4 process a charge of \$10,000 and a merchant fee of \$45.00.

5 11. On or about December 2, 2011, Matthew Ogden posted the Dankemeyer bond
6 with the on-duty detention officer and the Yavapai County jail. The Yavapai County Sheriff
7 did not release Dankemeyer because the Probation Office had placed a 72-hour hold on
8 Dankemeyer.

9 12. On or about December 6, 2011, Yavapai County Court filed an Arraignment on
10 Petition to Revoke ("Minute Entry"). In the Court's Minute Entry, the Court states that the
11 case is dismissed without prejudice and that Dankemeyer should be released.

12 13. On or about December 6, 2011, the Yavapai County Sheriff released
13 Dankemeyer.

14 14. On or about April 16, 2012, Northern AZ BB refunded \$11,255.00 (\$11,845.00
15 less \$245.00 in fees, a \$300.00 processing fee and a \$45.00 merchant fee) to Dankemeyer's
16 credit card.

17 **Failure to Post Premium Rates**

18 15. On or about April 12, 2012, an Investigator from the Department traveled to
19 Northern AZ BB. The Investigator discovered that Respondents had failed to post their
20 premium rates at their place of business.

21 **Failure to Keep Bond Log**

22 16. On or about April 12, 2012, the Investigator requested that Respondents
23 produce a bond log. Respondents were unable to produce a bond log.

1 **CONCLUSIONS OF LAW**

2 1. The Director has jurisdiction over this matter.

3 2. Northern AZ BB's conduct, as alleged above, constitutes acting as a bail bond
4 agent in this state without a license, in violation of A.R.S. § 20-340.01(A).

5 3. Respondents' conduct, as alleged above, constitutes failure to maintain, as a
6 minimum requirement for permanent office records, a daily bond register as required under
7 A.R.S. § 20-340.01(F).

8 4. Respondents' conduct, as alleged above, constitutes failure to post the premium
9 rates of the surety insurer in a conspicuous manner in the place of business, in violation of
10 A.A.C. R20-6-601(E)(1)(b).

11 5. Raymond Ogden's conduct, as alleged above, constitutes providing incorrect,
12 misleading, incomplete or materially untrue information in the license application, in violation of
13 A.R.S. § 20-295(A)(1) as applied to bail bond agents under A.R.S. § 20-340.06.

14 6. Respondents' conduct, as alleged above, constitutes violating any provision of
15 Title 20 or any rule, subpoena or order of the director, within the meaning of A.R.S. § 20-
16 295(A)(2) as applied to bail bond agents under A.R.S. § 20-340.06.

17 7. Respondents' conduct, as alleged above, constitutes demonstrating
18 incompetence or financial irresponsibility in the conduct of business in this state, within the
19 meaning of A.R.S. § 20-295(A)(8) as applied to bail bond agents under A.R.S. § 20-340.06.

20 8. Grounds exist for the Director to order Respondents to cease and desist
21 operating Northern AZ BB as an unlicensed bail bond agent pursuant to A.R.S. § 20-292 as
22 applied to bail bond agents under A.R.S. § 20-340.06.

23 ...

1 9. Grounds exist for the Director to suspend, revoke, or refuse to renew
2 Matthew Ogden and Raymond Ogden's insurance licenses, impose a civil penalty and/or order
3 restitution pursuant to A.R.S. §§20-295(A) and (F) as applied to bail bond agents under A.R.S.
4 § 20-340.06.

5 **ORDER**

6 IT IS HEREBY ORDERED THAT:

7 1. Respondents shall immediately cease and desist operating Northern AZ BB as a
8 bail bond agent until that entity is duly licensed by the Department.

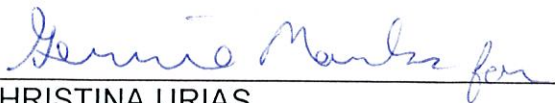
9 2. Within 10 days of the filing of this Order, Raymond Ogden shall update his
10 correct residence address to the Department.

11 3. Respondents shall immediately begin maintaining a daily bond register in
12 accordance with A.R.S. § 20-340.01(F) and post premium rates at their place of business.

13 4. Respondents shall immediately pay a civil money penalty to the Department of
14 \$500.00 (five hundred dollars) for deposit into the State General Fund.

15 5. Respondents are jointly and severally responsible for payment of the civil money
16 penalty.

17 DATED AND EFFECTIVE this 9th day of May, 2012.

18 
19 CHRISTINA URIAS
20 Director of Insurance

21 **CONSENT TO ORDER**

22 1. Respondents have reviewed the foregoing Findings of Fact, Conclusions of Law
23 and Order.

1 2. Respondents admit the jurisdiction of the Director of Insurance, State of Arizona,
2 and admit the foregoing Findings of Fact and consent to the entry of the foregoing
3 Conclusions of Law and Order.

4 3. Respondents are aware of their right to notice and hearing at which they may be
5 represented by counsel, present evidence and examine witnesses. Respondents irrevocably
6 waive their right to such notice and hearing and to any court appeals relating to this Consent
7 Order.

8 4. Respondents state that no promise of any kind or nature whatsoever, except as
9 expressly contained in this Consent Order, was made to them to induce them to enter into this
10 Consent Order and that they have entered into this Consent Order voluntarily.

11 5. Respondents acknowledge that the acceptance of this Consent Order by the
12 Director is solely to settle this matter against them and does not preclude any other agency,
13 including the Department, officer, or subdivision of this state or this agency from instituting civil
14 or criminal proceedings as may be appropriate now or in the future.

15 6. Respondents acknowledge that this Consent Order is an administrative action
16 that the Department will report to the National Association of Insurance Commissioners
17 (NAIC). Respondents further acknowledge that they must report this administrative action to
18 any and all states in which they hold an insurance license and must disclose this
19 administrative action on any license application.

20 ...
21 ...
22 ...
23 ...

1 7. Raymond Neal Ogden represents that he is the Manager/Member of Northern
2 Arizona Bail Bonds, LLC and, as such, is authorized to enter this Consent Order on its behalf.


3 Northern Arizona Bail Bonds, LLC

4
5 Date


Raymond Neal Ogden, Manager/Member

6
7 Date

5-1-12


Matthew Ray Ogden, License # 945544

8
9 Date


Raymond Neal Ogden, License # 896621

10 COPIES of the foregoing mailed/delivered
11 this 9th day of May, 2012, to:

12 Northern Arizona Bail Bonds, LLC
13 c/o Raymond Ogden
14 3610 E. Penny Lane
15 Cottonwood, Arizona 86326
16 Statutory Agent for Respondent Northern Arizona Bail Bonds, LLC

17 Matthew Ray Ogden
18 Raymond Neal Ogden
19 3610 E. Penny Lane
20 Cottonwood, Arizona 86326
21 Respondents

22 Mary E. Kosinski, Exec. Assistant for Reg. Affairs
23 Mary Butterfield, Assistant Director
Catherine M. O'Neil, Consumer Legal Affairs Officer
Steve Fromholtz, Licensing Supervisor
Dan Ray, Investigator
Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018


Curvey Walters Burton