

**BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,
Petitioner,
v.
HERITAGE FUNERAL HOME & CREMATION SERVICES, LLC
Respondent.
Prepaid Funeral Services Permit 10005088

FILED

JUL 13 2011

INSURANCE COMMISSIONER
OKLAHOMA

Case No. 11-0709-DIS

**NOTICE OF RIGHT TO HEARING WITH CONDITIONAL ORDER OF
DISCIPLINARY ACTION**

The State of Oklahoma, ex rel., John D. Doak, Insurance Commissioner, alleges and states as follows:

JURSDICTION AND AUTHORITY

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 et seq., including the Prepaid Funeral Benefits Act: 36 O.S. §§ 6121-6136.18.

2. The Respondent Heritage Funeral Home & Cremation Services, LLC ("Respondent") is a permitted provider of Prepaid Funeral Benefit Contracts in the State of Oklahoma and holds Permit Number 10005088.

3. The Insurance Commissioner may suspend or revoke a prepaid funeral permit or impose a fine in the amount of from \$100 to \$1,000 -- or impose both such disciplinary

actions -- if a permit holder violates any provision of the Prepaid Funeral Benefits Act. *See* 36 O.S. § 6130 (B).

FINDINGS OF FACT

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 Prepaid Funeral Benefits Act: 36 O.S. §§ 6121-6136.18.

2. Respondent is a permitted provider of Prepaid Funeral Benefits in the state of Oklahoma pursuant to 36 O.S. § 6121 and 36 O.S. § 6124, holding Permit Number 10005088.

3. Respondent failed to submit its Annual Report covering operations in 2010 by March 15, 2011, as required by 36 O.S. §6128. This Annual Report should contain at this juncture the actual printout/listings from the insurance company for which the Respondent holds assignments related to prepaid funeral benefits.

4. The Insurance Commissioner may suspend or revoke a prepaid funeral permit or impose a fine in the amount of from \$100 to \$1,000 -- or impose both such disciplinary actions -- if a permit holder violates any provision of the Prepaid Funeral Benefits Act. *See* 36 O.S. § 6130 (B).

CONCLUSIONS OF LAW

1. Respondent failed to submit its Annual Report due March 15, 2011 covering operations in 2010 in a timely fashion despite a specific request by the Insurance Commissioner for the same, thus violating 36 O.S. § 6128. This Annual Report should contain at this juncture the actual printout/listings from the insurance company for which the Respondent holds assignments related to prepaid funeral benefits.

2. The Insurance Commissioner may suspend or revoke a prepaid funeral permit or impose a fine in the amount of from \$100 to \$1,000 -- or impose both such disciplinary actions -- if a permit holder violates any provision of the Prepaid Funeral Benefits Act. *See* 36 O.S. § 6130 (B).

CONDITIONAL ORDER

IT IS THEREFORE ORDERED that the Respondent shall be assessed a civil penalty by the Oklahoma Insurance Commissioner in the amount of One Thousand Dollars (\$1,000.00) and that its Prepaid Funeral Benefits Permit shall be suspended under the conditions described and orders entered below. The reason for this action is Respondent failed to submit its Annual Report covering operations in 2010 by March 15, 2011, as required by 36 O.S. §6128. This Annual Report should contain at this juncture the actual printout/listings from the insurance company for which the Respondent holds assignments related to prepaid funeral benefits.

IT IS FURTHER ORDERED that the above disciplinary actions ordered shall become immediately effective unless within thirty (30) days from receipt of this Conditional Order the Company requests in writing a hearing on the issuance of said civil penalty and permit suspension. If no hearing is requested, the issuance of the civil penalty and permit suspension shall become effective and payment shall be due by the Company at the end of said thirty (30) day period without further action by the Oklahoma Insurance Department. Any request for hearing should be directed to Kelley Callahan, Senior Attorney, Oklahoma Insurance Department, Five Corporate Plaza, 3625 N.W. 56th, Suite 100, Oklahoma City, Oklahoma, 73112.

WITNESS My Hand and Official Seal this 12th day of July, 2011.





PAUL WILKENING
Deputy Insurance Commissioner of Administration
Oklahoma Insurance Department

CERTIFICATE OF MAILING

I, Kelley C. Callahan, hereby certify that a true and correct copy of the attached Notice of Right to Hearing with Conditional Order of Disciplinary Action was mailed certified mail, return receipt requested on the 15th day of July, 2011 to:

Heritage Funeral Home & Cremation Services, LLC
ATTN: Mr. Christopher Harrison, FDIC
1300 North Lottie Avenue
Oklahoma City, OK 73117

Oklahoma Funeral Board
ATTN: Chris Ferguson, Deputy Director
4545 North Lincoln, Suite 175
Oklahoma City, OK 73105



KELLEY C. CALLAHAN
Senior Attorney

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Sent To: Heritage Funeral Home & Cremation Services, LLC
ATTN: Mr. Christopher Harrison, FDIC
1300 North Lottie Avenue
Oklahoma City, OK 73117
City, State
sms/11-0709-DIS/Notice of Right

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

OKLAHOMA INSURANCE DEPARTMENT
JUL 20 2011
Heritage Funeral Home & Cremation Services, LLC
ATTN: Mr. Christopher Harrison, FDIC
1300 North Lottie Avenue
Oklahoma City, OK 73117
sms/11-0709-DIS/Notice of Right
Legal Division

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(Transfer from service label)

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 Addressee

B. Received by (Printed Name) C. Date of Delivery
Aetnae Harrison 7/18/11

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