

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

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,)
)
)
 Petitioner,)
)
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 v.)
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)
 CLAIRE S. CASHWELL, a licensed insurance producer and CANSLER & COMPANY, LLC., a licensed insurance agency,)
)
)
 Respondent.)

Case No. 12-0614-DIS

FILED
DEC 11 2012
INSURANCE COMMISSIONER
OKLAHOMA

FINAL ADMINISTRATIVE ORDER

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through his attorney, Julie Meaders, and alleges and states as follows:

JURISDICTION

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma and is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq.
2. Claire S. Cashwell is licensed by the State of Oklahoma as a resident insurance producer holding license number 123629. Her address of record with the Oklahoma Insurance Department is 1509 Indian Drive, Enid, Oklahoma 73703.
3. Cansler & Company, LLC is licensed by the State of Oklahoma as a resident insurance agency. Its address of record with the Oklahoma Insurance Department is P.O. Box 5649, Enid, Oklahoma 73702-5649. The designated responsible producer for Cansler & Company, LLC is Claire S. Cashwell.
4. The Insurance Commissioner may place on probation, censure, suspend, revoke

or refuse to issue or renew a license issued pursuant to the Oklahoma Producer Licensing Act and/or may levy a fine up to \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code, 36 O.S. § 1435.13(A) and (D).

5. If the Insurance Commissioner finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to the effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. 75 O.S. §§ 314(C)(2), 314.1, OAC 365:1-7-9(a).

FINDINGS OF FACT

1. The Consumer Assistance Division of the Oklahoma Insurance Department (the “Department”) received a request for assistance from Mark Russell on February 14, 2012. Mr. Russell complained that his insurance producer Claire S. Cashwell failed to refund him an insurance premium in the amount of \$3553.00 after he cancelled an insurance policy covering several of his properties he purchased through her agency.

2. Mr. Russell stated that he sent emails to Cashwell on December 14, 2011, December 20, 2011, January 11, 2012, and February 6, 2012 checking the status of the refund. He also drove from Edmond, Oklahoma to her agency in Enid, Oklahoma on January 23, 2012 to check the status of the refund. Cashwell informed him at that time that the policy was cancelled and she was just waiting on the refund from the insurance company and then would write Russell a check.

3. April Voigtschild was the analyst in the Consumer Assistance Division assigned to assist Mr. Russell with his complaint. She mailed a letter of inquiry to Cansler & Company, LLC at P.O. Box 5649, Enid, Oklahoma 73702-5649 on February 29, 2012. Cashwell is the designated responsible producer for Cansler & Company, LLC. All licensees are required by

statute to respond to any inquiry from the Department within thirty (30) days from the date of inquiry. 36 O.S. § 1250.4(B). No response was received.

4. Russell submitted additional information to Voigtschild on April 2, 2012, including copies of the emails, his cancelled check in the amount of \$3553.00 and the name of the insurance company that had purportedly written the insurance policy, American Modern Home Insurance Company. The check was made payable to American Modern Home and endorsed by Cansler & Co., LLC. A letter of inquiry was mailed to American Home on April 10, 2012 by Voigtschild.

5. Debra Taylor, Company Licensing & Compliance Supervisor, responded to Voigtschild on April 24, 2012. Taylor stated that the insurer's policy system indicated that seven quotes were computed in May 2011 for the addresses provided by Russell with the premiums totaling \$3553.00. However, the insurer never issued any policies covering those locations, nor were any monies received with regard to issuing policies based on those quotes.

6. Voigtschild mailed another letter of inquiry on May 9, 2012 to S. Cashwell at 1509 Indian Drive, Enid, Oklahoma 73703. No response was received from the licensee. An Amended Conditional Order and Notice of Right to be Heard was issued on July 18, 2012 ordering Cashwell to respond to the Department and fining her in the amount of \$500.00 for failing to previously respond to the Department. No response or fine payment was received.

7. Voigtschild contacted Russell on November 5, 2012 and inquired whether he had ever received a premium refund. Russell stated that American Home had reimbursed him the \$3553.00 and terminated Cashwell's appointment.

8. On November 14, 2012, Claire Cashwell, now known as Susan Claire Hume, was interviewed by Insurance Department investigator Robert Lee. She admitted to the Allegations

of Fact in the Administrative Order of Suspension Instanter and stated that she had endorsed and deposited Russell's check into her bank account and used the funds for her personal expenses.

CONCLUSIONS OF LAW

1. Respondent violated 36 O.S. § 1435.13(A)(2) by violating insurance laws and violating an order of the Insurance Commissioner.
2. Respondent violated 36 O.S. § 1435.13(A)(4) by improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.
3. Respondent violated 36 O.S. § 1435.13(A)(8) by using fraudulent, coercive or dishonest practices and by demonstrating incompetence, untrustworthiness and financial irresponsibility in the conduct of business in this state.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that the **Emergency Order of Suspension Instanter** entered in this matter on November 6, 2012 is a **FINAL ADMINISTRATIVE ORDER**, that no hearing was requested and Respondent's license is hereby **REVOKED**. **The FINES imposed in the Conditional Administrative Order and the Administrative Order of Suspension Instanter REMAIN DUE AND OWING in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00).**

WITNESS My Hand and Official Seal this 11 day of December 2012.





PAUL WILKENING
FIRST DEPUTY COMMISSIONER
STATE OF OKLAHOMA

CERTIFICATE OF MAILING

I, Julie Meaders, hereby certify that a true and correct copy of the above and foregoing Final Administrative Order was mailed via certified mail with postage prepaid and return receipt requested on this 11th day of December 2012, to:

Claire S. Cashwell
1005 Lincoln Drive
Enid, Oklahoma 73703

CERTIFIED MAIL NO: 7006 2760 0005 6606 3008

and

Cansler and Company, LLC
P.O. Box 5649
Enid, Oklahoma 73702-5649

CERTIFIED MAIL NO: 7006 2760 0005 6606 3015

and that notification was sent to:

NAIC/RIRS
and to all appointing insurers

and that a copy was delivered to:

Licensing Division



Julie Meaders