

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

FILED

DEC 29 2014

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN)
D. DOAK, Insurance Commissioner,)
)
Petitioner,)
)
v.)
)
)
BRIAN SEITZ,)
a nonresident adjuster licensed in the State of)
Oklahoma,)
Respondent.)

Case No. 14-1156-DIS

**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 his attorney, Barron B. Brown, and alleges and states as follows:

JURISDICTION AND AUTHORITY

1. John 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 Insurance Adjuster Licensing Act, 36 O.S. § 6201 et seq.

2. The Insurance Commissioner may censure, suspend, revoke or refuse to issue or renew an adjuster’s license and or may levy a fine up to \$1,000.00 for each violation of the Oklahoma Insurance Code. 36 O. S. § 6219 and § 6220(A) and (B).

ALLEGATIONS OF FACT

1. The Oklahoma Insurance Department’s (“OID”) Consumer Assistance Division received a complaint from Tom Morgan (“Morgan”) against Permanent General Assurance Corporation (“Permanent”). Carla Thomas (“Thomas”) was the Consumer Assistance analyst that

handled the complaint. Thomas corresponded with Permanent and determined that the adjuster on Morgan's claim, Brian Seitz ("Respondent"), was not actively licensed as an adjuster in the State of Oklahoma during the time in which Morgan's claim was being handled. In its initial response letter to Thomas, Permanent stated that Respondent was the assigned adjuster on Morgan's claim. A copy of this initial response letter is attached as Petitioner's Exhibit A.

2. Permanent admitted, in a letter to Thomas, that Respondent was in violation of the Insurance Adjuster Licensing Act during his handling of Morgan's claim. A copy of Permanent's letter is attached as Petitioner's Exhibit B.

3. Thomas asked Permanent for a list of all claims that Respondent adjusted in Oklahoma after his license expired on or about March 31, 2014 until he reactivated his license on or about November 13, 2014. A copy of this list is attached as Petitioner's Exhibit C.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 6220 (A) (9) and 36 O.S. § 6204 by acting or holding himself out as an insurance adjuster in this state while unlicensed.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that the Respondent violated 36 O.S. § 6220(A)(9) and 36 O.S. 6204 and therefore **Respondent is FINED Four Hundred Dollars (\$400.00) payable within thirty (30) days of the date of mailing.** Failure to pay the civil fine may result in further administrative action being taken against your nonresident insurance adjuster license.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing

with respect to the Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first day following the date of mailing of this Order. Such request for hearing, if desired, shall be made in writing, addressed to Barron B. Brown, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Street, Suite 100, Oklahoma City, Oklahoma 73112 and must be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on any 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 et.seq.

WITNESS My Hand and Official Seal this 29th day of December, 2014.



JOHN DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Barron B. Brown
Barron B. Brown
Assistant General Counsel

CERTIFICATE OF MAILING

I, Barron B. Brown, 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 certified mail, with postage prepaid and return receipt requested, on this 29th day of December, 2014, to:

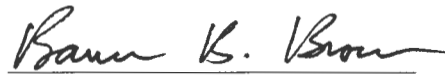
Brian Seitz
308 Arbor Creed Blvd.
Nashville, TN 37217

CERTIFIED MAIL NO: 7014 2870 0000 5493 1296

and that a copy was delivered to:

Licensing Division

Consumer Assistance/Claims Division



Barron B. Brown
Assistant General Counsel

English

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Product & Tracking Information

Available Actions

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We attempted to deliver your item at 1:02 pm on December 31, 2014 in NASHVILLE, TN 37217 and a notice was left because an authorized recipient was not available.

December 31, 2014 , 7:25 am	Out for Delivery	NASHVILLE, TN 37217
December 31, 2014 , 7:15 am	Sorting Complete	NASHVILLE, TN 37217
December 31, 2014 , 7:12 am	Arrived at Unit	NASHVILLE, TN 37217
December 31, 2014 , 2:45 am	Departed USPS Facility	NASHVILLE, TN 37230
December 30, 2014 , 9:38 pm	Arrived at USPS Facility	NASHVILLE, TN 37230
December 29, 2014 , 9:16 pm	Departed USPS Facility	OKLAHOMA CITY, OK 73107
December 29, 2014 , 5:54 pm	Arrived at USPS Facility	OKLAHOMA CITY, OK 73107

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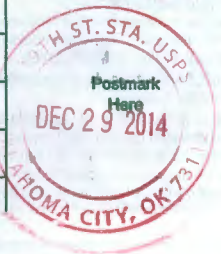
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 City, State, ZIP+4

Brian Seitz
 308 Arbor Creed Blvd.
 Nashville, TN 37217
 rlg/14-1156-DIS/Cond. Adm. Ord.

PS Form 3800, July 2014

CERTIFIED MAIL®

JOHN D. DOAK
 Insurance Commissioner
 Oklahoma Insurance Department
 5 Corporate Plaza
 3625 N.W. 56th St., Ste. #100
 Oklahoma City, OK 73112-4511



OKLAHOMA CITY



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Brian Seitz
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 Nashville, TN 37217

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RETURN TO SENDER
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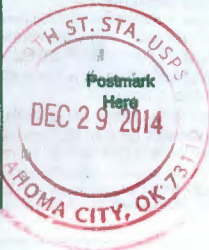
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Brian Seitz
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Nashville, TN 37217
rlg/14-1156-DIS/Cond. Adm. Ord.

PS Form 3800, July 2014

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE OKLAHOMA INSURANCE FOLD AT SORTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

Brian Seitz
308 Arbor Creed Blvd.
Nashville, TN 37217
rlg/14-1156-DIS/Cond. Adm. Ord.

RECEIVED

OKLAHOMA INSURANCE DEPARTMENT

MAR 4 2015

Legal Division

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

Is delivery address different from item 1? Yes No

Is delivery address different from item 1? Yes No

Legal Division Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

2. Article Number
(Transfer from service label)

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PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



THE ★★★★★
GENERAL
INSURANCE



November 12, 2014

Oklahoma Insurance Department
RECEIVED

NOV 17 2014

Consumer Assistance Division

Oklahoma Insurance Department
Consumer Assistance/Claims Division
Attn: Carla Thomas
3625 NW 56th Street, STE. 100
Oklahoma City, OK 73112

RE: DOI File Number: 47886
Name of Complainant: Tom Morgan
Name of Our Insured: Naomi Jones
Claim Number: 792172
NAIC # / Company Name: 37648 - Permanent General Assurance Corporation
Our File Number: OK03913

Dear Carla Thomas:

We have received your correspondence regarding the above referenced complaint. I have reviewed our files and offer the following response.

This claim was reported June 27, 2014 and assigned to adjuster Brian Seitz. No contact information was given for the claimant, but on June 30, 2014, the claimant, Tom Morgan, called in and spoke with a co-worker of Mr. Seitz, Dylan Hawes-Glynn. Mr. Hawes-Glynn secured a recorded statement from Mr. Morgan concerning the facts of loss and the damage to his vehicle. Mr. Morgan advised that his 2012 Honda Pilot was not drivable and requested a rental. Mr. Seitz contacted Mr. Morgan to discuss the claims process and explain that he could not authorize a rental until he received a copy of the police report which would complete his liability investigation.

Mr. Seitz provided his fax number so the police report could be faxed in for review and assigned an appraiser to inspect the damages to Mr. Morgan's vehicle. On July 1, 2014 Mr. Seitz received a copy of the police report and concluded his liability investigation finding our insured, Ms. Jones, to be liable for the accident. Mr. Seitz contacted Mr. Morgan July 3, 2014 and authorized a rental vehicle with Hertz.

On July 7, 2014 we received the completed estimate of damages to Mr. Morgan's vehicle. Mr. Seitz issued payment to Mr. Morgan for the approved estimate. Mr. Seitz then contacted Mr. Morgan's shop of choice to discuss repairs. Mr. Seitz faxed a copy of the estimate to the shop so parts could be ordered and repairs started. The estimate showed a total of 96.3 labor hours would be required to repair the vehicle. We calculated that the shop should be

Permanent General Assurance Corporation ★ Permanent General Assurance Corporation of Ohio

2636 Elm Hill Pike ★ Suite 510 ★ Nashville, TN 37214-3169 ★ Mailing Address: P. O. Box 305054 ★ Nashville, TN 37230-5054
615.744.1000 ★ 1.800.280.1466 ★ www.thegeneral.com

able to work on the vehicle for at least five hours per day meaning the vehicle would take approximately 20 business days to repair. By this calculation the vehicle should have been completed on or around August 1, 2014. On July 8, 2014 Mr. Seitz spoke with Mr. Morgan who requested a larger, comparable size rental due to difficulty in getting in and out of the vehicle. Mr. Seitz discussed this with his supervisor and the upgrade was approved.

On July 14, 2014 Mr. Seitz confirmed with Mr. Morgan's shop that they received the claimant's vehicle on June 27, 2014, received a copy of the estimate on July 7, 2014 and ordered parts. Mr. Seitz followed up with the shop July 28, 2014 to discuss the status of repairs and to determine the expected completion date. The shop explained that repairs were underway and expected to be completed by August 8, 2014.

A final supplement of 5 additional hours was received increasing the total labor time to 21 business days. Considering the start date for the repairs was July 7, 2014, it is reasonable to expect repairs to be completed by August 4, 2014. To account for time to order parts and request supplemental repairs the rental was approved through August 7, 2014, which is a total of 36 days.

On August 7, 2014 Mr. Seitz followed up with the shop to discuss the status of repairs and expected completion date. The shop stated the vehicle should be delivered August 13, 2014. When Mr. Seitz inquired why the repairs could not be completed within the allotted time, the shop advised that Mr. Morgan delayed the repairs by seven to eight days while trying to decide if he wanted to repair the vehicle or wholesale it damaged. Since the additional days the shop required to repair the vehicle were the result of Mr. Morgan's delay, we did not approve any further rental. On August 7, 2014 Mr. Seitz called Mr. Morgan and left a message communicating that the last day for the rental would be approved was August 7, 2014.

The rental vehicle was returned to Hertz on August 21, 2014 after a total of 50 days. Since the rental was returned 14 days after the last day of the rental was set but also considering that Mr. Morgan delayed the repairs for 8 days we will agree to pay for an additional 6 days of rental as a compromise. Of the \$265.86 that Hertz charged Mr. Morgan we will offer to reimburse \$113.94. Mr. Morgan has accepted this offer and we are now considering this claim closed.

Please contact me if you have any questions or need additional information or documentation regarding this complaint.

Sincerely,

Cliff Harrell

Cliff Harrell
Claims Manager
Phone: 615-744-1684
Email: charrell@thegeneral.com



THE ★ ★ ★ ★ ★
GENERAL
INSURANCE



November 13, 2014

Oklahoma Insurance Department
RECEIVED

NOV 17 2014

Consumer Assistance Division

Oklahoma Insurance Department
Consumer Assistance/Claims Division
Attn: Carla Thomas
3625 NW 56th Street, STE. 100
Oklahoma City, OK 73112

RE: DOI File Number: 47886
Name of Complainant: Tom Morgan
Name of Our Insured: Naomi Jones
Claim Number: 792172
NAIC # / Company Name: 37648 - Permanent General Assurance Corporation
Our File Number: OK03913

Dear Carla Thomas:

You noted on the complaint that Brian Seitz's Oklahoma license expired on March 31, 2014. We have addressed the violation with Mr. Seitz. Both the state fee of \$110.00 as well as the violation fee of \$50.00 have been paid to the Oklahoma Insurance Department. Copies of the receipts are attached for your review. Once the license is reactivated, Mr. Seitz will change his address with State Based Systems (SBS). SBS has informed Mr. Seitz that this could take 3-5 days to process.

Please contact me if you have further questions. Thank you for your cooperation.

Sincerely,

Cliff Harrell

Cliff Harrell
Claims Manager
Phone: 615-744-1684
Email: charrell@thegeneral.com

The General Automobile Insurance Company, Inc.

Permanent General Assurance Corporation ★ Permanent General Assurance Corporation of Ohio

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Claim Number	Policy Number	Policy State	Adjuster	Open Date
PA0000774034	OK 0001831027	OK	Brian Seitz	3/31/2014
PA0000774416	OK 0001759775	OK	Brian Seitz	3/31/2014
PA0000774009	OK 0001681633	OK	Brian Seitz	3/31/2014
PA0000775113	OK 0001843502	OK	Brian Seitz	4/3/2014
PA0000775155	OK 0001829551	OK	Brian Seitz	4/4/2014
PA0000775416	OK 0001692393	OK	Brian Seitz	4/4/2014
PA0000776103	OK 0001691750	OK	Brian Seitz	4/8/2014
PA0000776762	OK 0001809682	OK	Brian Seitz	4/11/2014
PA0000776967	OK 0001612543	OK	Brian Seitz	4/14/2014
PA0000778238	OK 0001199662	OK	Brian Seitz	4/21/2014
PA0000779433	OK 0001731687	OK	Brian Seitz	4/24/2014
PA0000779494	OK 0001920891	OK	Brian Seitz	4/24/2014
PA0000779710	OK 0001897817	OK	Brian Seitz	4/28/2014
PA0000780091	OK 0001722494	OK	Brian Seitz	4/28/2014
PA0000779973	OK 0001732335	OK	Brian Seitz	4/28/2014
PA0000781305	OK 0001612702	OK	Brian Seitz	5/5/2014
PA0000781636	OK 0001396122	OK	Brian Seitz	5/6/2014
PA0000782838	OK 0001653750	OK	Brian Seitz	5/12/2014
PA0000782938	OK 0001374804	OK	Brian Seitz	5/12/2014
PA0000784485	OK 0001444607	OK	Brian Seitz	5/20/2014
PA0000785077	OK 0001932083	OK	Brian Seitz	5/22/2014
PA0000785950	OK 0001854450	OK	Brian Seitz	5/28/2014
PA0000786468	OK 0001886215	OK	Brian Seitz	5/29/2014
PA0000787456	OK 0001857881	OK	Brian Seitz	6/4/2014
PA0000786983	OK 0001688128	OK	Brian Seitz	6/2/2014
PA0000788114	OK 0001647353	OK	Brian Seitz	6/9/2014
PA0000788312	OK 0001645781	OK	Brian Seitz	6/9/2014
PA0000788349	OK 0001308037	OK	Brian Seitz	6/9/2014
PA0000787915	OK 0001910258	OK	Brian Seitz	6/6/2014
PA0000791750	OK 0001857328	OK	Brian Seitz	6/25/2014
PA0000792172	OK 0001896372	OK	Brian Seitz	6/27/2014
PA0000792333	OK 0001408492	OK	Brian Seitz	6/30/2014
PA0000791834	OK 0001745804	OK	Brian Seitz	6/25/2014
PA0000793369	OK 0001718007	OK	Brian Seitz	7/3/2014
PA0000793931	OK 0001544004	OK	Brian Seitz	7/8/2014
PA0000794283	OK 0001992896	OK	Brian Seitz	7/9/2014
PA0000794092	OK 0001810125	OK	Brian Seitz	7/8/2014
PA0000794149	OK 0001661853	OK	Brian Seitz	7/9/2014
PA0000794453	OK 0001857881	OK	Brian Seitz	7/10/2014
PA0000794553	OK 0001933707	OK	Brian Seitz	7/10/2014
PA0000795837	OK 0001798590	OK	Brian Seitz	7/17/2014
PA0000795598	OK 0001996545	OK	Brian Seitz	7/16/2014
PA0000796050	OK 0001954942	OK	Brian Seitz	7/18/2014
PA0000795902	OK 0001508415	OK	Brian Seitz	7/17/2014
PA0000796457	OK 0001977741	OK	Brian Seitz	7/21/2014
PA0000796533	OK 0001945195	OK	Brian Seitz	7/21/2014

PA0000796802	OK	0001714621	OK	Brian Seitz	7/22/2014
PA0000797615	OK	0001562801	OK	Brian Seitz	7/28/2014
PA0000798361	OK	0001360311	OK	Brian Seitz	7/30/2014
PA0000798439	OK	0001802931	OK	Brian Seitz	7/31/2014
PA0000798882	OK	0001955636	OK	Brian Seitz	8/4/2014
PA0000798978	OK	0001488102	OK	Brian Seitz	8/4/2014
PA0000798900	OK	0001714621	OK	Brian Seitz	8/4/2014
PA0000799973	OK	0001449643	OK	Brian Seitz	8/8/2014
PA0000801585	OK	0002013966	OK	Brian Seitz	8/18/2014
PA0000802495	OK	0001992389	OK	Brian Seitz	8/21/2014
PA0000803023	OK	0001648144	OK	Brian Seitz	8/25/2014
PA0000803632	OK	0002023678	OK	Brian Seitz	8/27/2014
PA0000806289	OK	0002036655	OK	Brian Seitz	9/11/2014
PA0000805658	OK	0001622441	OK	Brian Seitz	9/9/2014
PA0000808322	OK	0001941599	OK	Brian Seitz	9/22/2014
PA0000808402	OK	0002012131	OK	Brian Seitz	9/22/2014
PA0000808467	OK	0001778658	OK	Brian Seitz	9/22/2014
PA0000809370	OK	0001384329	OK	Brian Seitz	9/26/2014
PA0000810784	OK	0001315100	OK	Brian Seitz	10/6/2014
PA0000811256	OK	0001709557	OK	Brian Seitz	10/6/2014
PA0000811888	OK	0001436840	OK	Brian Seitz	10/9/2014
PA0000811927	OK	0001958979	OK	Brian Seitz	10/9/2014
PA0000812214	OK	0001609466	OK	Brian Seitz	10/10/2014
PA0000813218	OK	0001794768	OK	Brian Seitz	10/15/2014
PA0000813631	OK	0002052573	OK	Brian Seitz	10/17/2014
PA0000819020	OK	0001776326	OK	Brian Seitz	11/13/2014
PA0000819364	OK	0001412401	OK	Brian Seitz	11/14/2014
PA0000819757	OK	0001880031	OK	Brian Seitz	11/17/2014
PA0000819824	OK	0001555626	OK	Brian Seitz	11/17/2014
PA0000820032	OK	0002037372	OK	Brian Seitz	11/17/2014