

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

JUL 30 2015

**INSURANCE COMMISSIONER
OKLAHOMA**

STATE OF OKLAHOMA, ex rel. JOHN DOAK, Insurance Commissioner,)
)

Petitioner,)

v.)

Case No. 15-0852-DEN

ONPOINT UNDERWRITING, INC.,)
an applicant for a nonresident business entity)
insurance producer license,)

Respondent.)

**CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD**

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

JURISDICTION

1. John 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. Respondent is an applicant for a nonresident business entity insurance producer license in the State of Oklahoma. Respondent's address of record is Six Concourse Parkway, Suite 2300, Atlanta, GA 30328.

3. 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).

ALLEGATIONS OF FACT

1. Respondent applied for the renewal of a nonresident business entity insurance producer license on or about July 14, 2015 with the Oklahoma Insurance Department (OID). On the application form, the second question asks the following: “Has the business entity or any owner, partner, officer or director of the business entity, or manager or member of a limited liability company, ever been named or involved as a party in an administrative proceeding, including a Financial Industry Regulatory Authority (“FINRA”) sanction or arbitration proceeding regarding any professional or occupational license, or registration?” Respondent answered “no” to this question.

2. The application form defines being “involved” in an administrative proceeding as the following: “having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action. ‘Involved’ also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license or registration.” ‘Involved’ also means having a license, or registration application denied or the act of withdrawing an application to avoid a denial.” Applicants may only exclude “terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.”

3. A background check conducted by the OID Licensing Division showed that Respondent had the following administrative actions listed on its record: On or about June 2, 2015 Respondent’s Surplus Lines Broker license was revoked by the

Commonwealth of Virginia Bureau of Insurance. Accordingly, Respondent did not properly disclose the aforementioned administrative action in the license application.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 1435.13(A)(1); providing incorrect, misleading, incomplete or materially untrue information in the license application.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Onpoint Underwriting, Inc. is **THREE HUNDRED DOLLARS (\$300.00)** for providing incorrect, misleading, incomplete or materially untrue information in the license application. **The \$300.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$300.00 civil fine shall be paid by money order or cashier's check. Respondent's application for the renewal of its nonresident business entity insurance producer license may be granted upon receipt of payment of the fine and reporting of the administrative action. Failure to pay the civil fine or request a hearing within thirty (30) days will result in your license application being withdrawn.

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 this Order. A request for hearing should be in writing addressed to Dan R. Byrd, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set

aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under the Insurance Code and 75 O.S. § 250-323. If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as notice of the matters to be reviewed at the hearing, and the Allegations of Fact, Alleged Violations 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 30th day of July, 2015.



JOHN DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Dan R. Byrd
Assistant General Counsel
3625 NW 56th St., Suite 100
Oklahoma City, OK 73112

CERTIFICATE OF MAILING

I, Dan R. Byrd, 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 30th day of July, 2015, to:

Melissa Claypool, ALMI, ACS
Operations Manager
8390 E. Crescent Pkwy, Suite 200
Greenwood Village, CO 80111

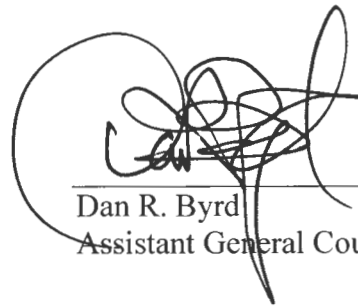
and

Suite 2300
Six Concourse Parkway
Atlanta, GA 30328

CERTIFIED MAIL NO. 7015 0640 0004 4933 8200
&
7015 0640 0004 4933 8194

and a copy was delivered to:

Angel Edingfield
Licensing Division



A handwritten signature in black ink, appearing to read 'Dan R. Byrd', is written over a horizontal line. The signature is stylized and somewhat illegible due to its cursive nature.

Dan R. Byrd
Assistant General Counsel

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7015 0640 0004 4933 8194

Sent To **Melissa Claypool, ALMI, ACS**
 Operations Manager
 Street and **8390 E. Crescent Pkwy, Suite 200**
 City, State **Greenwood Village, CO 80111**
sms/15-0852-DEN/Cond Ord

PS Form 3811, April 2015 PSN 7530-02-000-9053

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<ul style="list-style-type: none"> Complete items 1, 2, and 3. 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. 	<p>A. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) S. Meyer C. Date of Delivery _____</p>
<p>1. Melissa Claypool, ALMI, ACS Operations Manager Suite 2300 Six Concourse Parkway Atlanta, GA 30328 sms/15-0852-DEN/Cond Ord</p> <p> 9590 9403 0272 5155 1301 23</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>RECEIVED AUG 07 2015 Local Division</p>
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1. Article

Melissa Claypool, ALMI, ACS
 Operations Manager
 8390 E. Crescent Pkwy, Suite 200
 Greenwood Village, CO 80111
 sms/15-0852-DEN/Cond Ord



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X *[Handwritten Signature]*

Agent
 Addressee

B. Received by (Printed Name)

M. Claypool

C. Date of Delivery

08-03-15

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 If YES, enter delivery address below: No

OKLAHOMA INSURANCE DEPARTMENT
 AUG 10 2015
 Legal Division

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