

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

AUG 10 2015

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN DOAK, Insurance Commissioner,
Petitioner,
v.
DAVID ERIC MOORE,
an applicant for a nonresident public insurance adjuster license,
Respondent.

Case No. 15-0898-DEN

**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, Barron B. Brown, 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. David Eric Moore (“Respondent”) is an applicant for a nonresident public insurance adjuster license in the State of Oklahoma. Respondent’s address of record is Jansen International, 922 W. Greens Road, Houston, Texas 77067.

3. The Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew an initial license issued pursuant to the Oklahoma Insurance Adjusters 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. § 6219, § 6220(A) and (B).

ALLEGATIONS OF FACT

1. Respondent applied for a nonresident public insurance adjuster license on or about July 24, 2015 with the Oklahoma Insurance Department (OID). On the application form, the second question asks the following: “Have you ever been named or involved as a party in an administrative proceeding including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration, which has not been previously reported to this insurance department?” 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 his record: a failure to process claim violation in Florida on or about April 22, 1999 (State Regulatory

Information Retrieval System (“RIRS”) Identifier: 1R_8456831); a consent order and license probation for claim handling and other state action violations in Georgia on or about January 31, 2000 (RIRS Identifier: 1R_9359806); a monetary penalty for failure to make required disclosure on a license application violation in Florida on or about December 24, 2003 (RIRS Identifier: 1R_10990263); and a monetary penalty for a failure to make a required disclosure on a license application violation in Louisiana on or about October 7, 2013 (RIRS Identifier: 563018-1). Respondent did not properly disclose the aforementioned administrative actions in the license application.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 6220(A)(1); material misrepresentation or fraud in obtaining an adjuster’s license.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent is **FINED THREE HUNDRED DOLLARS (\$300.00)** for material misrepresentation or fraud in obtaining an adjuster’s license. **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 a nonresident public insurance adjuster 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 Barron B. Brown, 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 10th day of August, 2015.



JOHN DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in black ink that reads "Barron B. Brown". The signature is written in a cursive style and is positioned above a horizontal line.

Barron B. Brown
Assistant General Counsel
3625 NW 56th St., Suite 100
Oklahoma City, OK 73112

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 regular mail and by certified mail, with postage prepaid and return receipt requested, on this 10th day of August, 2015, to:

David Eric Moore
Jansen International
922 W. Greens Road
Houston, TX 77067

CERTIFIED MAIL NO. 7015 0640 0004 4933 8927

and a copy was delivered to:

Nicole Godfrey
Licensing Division



Barron B. Brown
Assistant General Counsel

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Sent To
Street and Apt. No., or PO Box
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Jansen International
 ATTN: David Eric Moore
 922 W. Greens Rd.
 Houston, TX 77067
 rg/15-0898-DEN(BBB)/Cond. Adm. Ord.

PS Form 3800, April 2015 PSN

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

Jansen International
 ATTN: David Eric Moore
 922 W. Greens Rd.
 Houston, TX 77067
 rg/15-0898-DEN(BBB)/Cond. Adm. Ord.



2. Article Number (Transfer from service label)
 7015 0640 0004 4933 8927

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee

X *Dora Lugo*

B. Received by (Printed Name)
Dora Lugo

C. Date of Delivery
8/13/15

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

OKLAHOMA INSURANCE DEPARTMENT
 AUG 25 2015
 Legal Division

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

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