

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

FILED
SEP 23 2015
INSURANCE COMMISSIONER
OKLAHOMA

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

Petitioner,

v.

**TERENCE MCCURTY,
an applicant for a nonresident insurance
adjuster license,**

Respondent.

Case No. 15-1088-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, 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 insurance adjuster license in the State of Oklahoma. Respondent's business address of record is 3850 Holcomb Bridge Rd., Bldg 400, Suite 400, Norcross, GA 30010.

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 insurance adjuster license on or about August 14, 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?" 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 action listed on his record: a Consent Order in Georgia by the Office of Commissioner of Insurance for failing to disclose on his license application a criminal proceeding that occurred on or about March 29, 1991,

in the Superior Court of Fulton County, Georgia, where Respondent was sentenced under the provisions of the First Offenders Act for the crime of Possession of a Controlled Substance-Cocaine. Respondent's Consent Order by the Office of Commissioner of Insurance Ordered Respondent to pay an administrative fine of \$300.00. Respondent did not properly disclose the aforementioned administrative action 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 Terence McCurty is **FINED ONE HUNDRED AND FIFTY DOLLARS (\$150.00)** for material misrepresentation or fraud in obtaining an adjuster's license. **The \$150.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$150.00 civil fine shall be paid by money order or cashier's check. Respondent's application for a nonresident 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

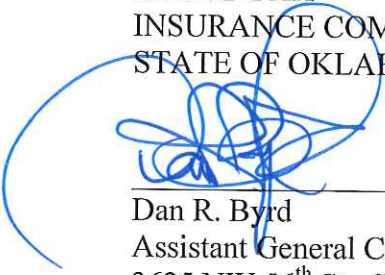
Order. A request for hearing should be in writing addressed to Dan R. Byrd, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order.

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 23rd day of September, 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 23rd day of September, 2015, to:


Terence McCurty
4329 Dogwood Trace
Decatur, GA 30034

**CERTIFIED MAIL NO:
7015 0640 0004 4933 6275**

CERTIFIED MAIL NO.

and a copy was delivered to:

Nicole Godfrey
Licensing Division



Dan R. Byrd
Assistant General Counsel

U.S. Postal ServiceTM
CERTIFIED MAIL® RECEIPT
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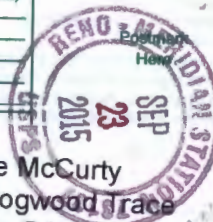
OFFICIAL USE

Certified Mail Fee \$ 3.45
 Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
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☐ Adult Signature Restricted Delivery \$

Postage \$ 3.50
 Total Postage and Fees \$ 6.95

Sent To
 Street and Apt. No., or PO Box
 City, State, ZIP+4®

Terence McCarty
 4329 Dogwood Trace
 Decatur, GA 30034
 15-1088-DIS/DRB(mt)
 (Cond.Adm.Ord. ~9-23-15)



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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:

Terence McCarty
 4329 Dogwood Trace
 Decatur, GA 30034
 15-1088-DIS/DRB(mt)
 (Cond.Adm.Ord. ~9-23-15)



9590 9403 0272 5155 1369 10

2. Article Number (Transfer from service label)

7015 0640 0004 49

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Terence McCarty ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

OCT 14 2015

Legal Division

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

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

Domestic Return Receipt