

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

MAR 07 2016

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
Petitioner,)
vs.)
AMERICAN PROPERTY INSURANCE)
COMPANY, a licensed insurance company)
doing business in the State of Oklahoma,)
Respondent.)

Case No. 16-0240-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 counsel, Barron B. Brown, and alleges and states as follows:

JURISDICTION

1. John D. 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. §§ 101-7301, and 85A O. S. § 31(D) of the Administrative Workers' Compensation Act.

2. Respondent American Property Insurance Company ("Respondent") is a licensed insurance company doing business in the State of Oklahoma holding NAIC number 21806.

FINDINGS OF FACT

1. On or before January 15, 2016, Respondent was required to submit payment of its Workers' Compensation Multiple Injury Trust Fund Assessment for the quarter ending December 31, 2015, to the Oklahoma Tax Commission ("OTC"). 85A O.S. § 31(A). Respondent untimely paid this assessment to the OTC on February 1, 2016.

2. Pursuant to 85A O.S. § 31(D), "[any] mutual or interinsurance association, stock

company, or other insurance company, which is subject to regulation by the Insurance Commissioner, or CompSource Oklahoma, failing to make payments required in this act promptly and correctly, and failing to report payment of the same to the Insurance Commissioner within ten (10) days of payment shall be subject to administrative penalties as allowed by law, including but not limited to a fine in the amount of Five Hundred Dollars (\$500.00) or an amount equal to one percent (1%) of the unpaid amount, whichever is greater, to be paid to the Insurance Commissioner.”

3. Accordingly, Respondent’s Workers’ Compensation Multiple Injury Trust Fund Assessment Report (“MITF Report”) for the quarter ending on December 31, 2015 was required to be submitted to the Oklahoma Insurance Department (“OID”) on or before January 25, 2016. On or about February 1, 2016, Respondent untimely submitted the aforementioned MITF Report to the OID via mail.

CONCLUSIONS OF LAW

1. Respondent has violated 85A O.S. § 31(D); by failing to timely submit its MITF Report to the OID.

ORDER

IT IS THEREFORE ORDERED that Respondent is **FINED FIVE HUNDRED DOLLARS (\$500.00)**. **The \$500.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$500.00 civil fine shall be paid by money order or cashier’s check. Failure to pay the civil fine or request a hearing within thirty (30) days may result in further administrative action.

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 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 7th day of March, 2016.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in cursive script that reads "Barron B. Brown".

Barron B. Brown
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 521-2746
Fax (405) 522-0125

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 7th day of March, 2016, to:

American Property Insurance Company
Attn: Mark Heid
36 Cobett Way
Eatontown, NJ 07724-2263

CERTIFIED MAIL NO. 7015 3010 0001 4604 0020

and a copy was delivered to:

Financial Division



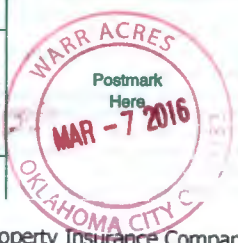
Barron B. Brown

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 John Deere Corporation
 Extra Services & Fees (check all that apply) (appropriate)
 Return Receipt (hardcopy) \$
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 Certified Mail Restricted Delivery
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$
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Financial Division



Total Postage and Fees \$
 Sent To
 Street and Apt. No., or PO Box #
 City, State, ZIP+4®
 American Property Insurance Company
 ATTN: Mark Heid
 36 Corbett Way
 Eatontown, NJ 07724-2263
 rig/16-0240-DIS/Cond. Adm. Ord.

PS Form 3800, April 2015 PSN 7530-02-000-0017

0200 404 4604 0020 7015 3010 0001 4604 0020

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:
 American Property Insurance Company
 ATTN: Mark Heid
 36 Corbett Way
 Eatontown, NJ 07724-2263
 rig/16-0240-DIS/Cond. Adm. Ord.



2. Article Number (Transfer from service label)
 7015 3010 0001 4604 0020

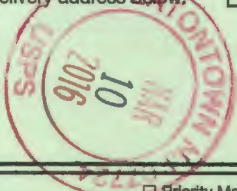
COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
 B. Received by (Printed Name)
 C. Date of Delivery

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

3. Service Type
 Adult Signature Priority Mail Express®
 Adult Signature Restricted Delivery Registered Mail™
 Certified Mail® Registered Mail Restricted Delivery
 Certified Mail Restricted Delivery Return Receipt for Merchandise
 Collect on Delivery Signature Confirmation™
 Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery
 Insured Mail Insured Mail Restricted Delivery (over \$500)

MAR 10 2016
 Legal Division



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

Domestic Return Receipt