

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

FILED  
APR 12 2016  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN )  
DOAK, Insurance Commissioner, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
RANNIERY PAUL HERNANDEZ, )  
an applicant for a nonresident insurance )  
adjuster license, )  
 )  
Respondent. )

Case No. 16-0355-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 26720 SW 142<sup>nd</sup> Ave., Apt. 104, Naranja, FL 33032.
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 February 16, 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 actions listed on his record: On November 5, 2008, a Consent Order in Florida was issued by the Florida Department of Financial Services in Case No.: 97786-08-AG for engaging in public adjusting without a

license on or about March 26, 2008 by holding himself out as a licensed public adjuster and consummating a Public Adjuster's Retainer Agreement while not duly licensed to act as a Public Adjuster. Respondent's Settlement Stipulation For Consent Order by the Florida Department of Financial Services required Respondent to pay an administrative penalty of \$2,500.00. On February 18, 2009, an Order of Suspension was issued by the Florida Department of Financial Services in the above referenced case because Respondent had failed to pay the above referenced administrative penalty. 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 Ranniery Paul Hernandez 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 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.



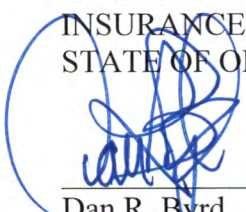
**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties 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 56<sup>th</sup> 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 12<sup>th</sup> day of April, 2016.



JOHN DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
\_\_\_\_\_  
Dan R. Byrd  
Assistant General Counsel  
3625 NW 56<sup>th</sup> St., Suite 100  
Oklahoma City, OK 73112

**CERTIFICATE OF MAILING**

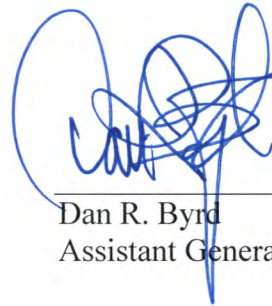
I, Dan R. Byrd, hereby certify that a true and correct copy of the above and foregoing Conditional Administrative Order and Notice of Right to be Heard was mailed by certified mail, with postage prepaid and return receipt requested, on this 12<sup>th</sup> day of April, 2016, to:

Ranniery Paul Hernandez  
26720 SW 142<sup>nd</sup> Ave., Apt. 104  
Naranja, FL 33032

**CERTIFIED MAIL NO. 7015 3010 0001 4604 1935**

and a copy was delivered to:

Nicole Godfrey  
Licensing Division



---

Dan R. Byrd  
Assistant General Counsel

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee  
 \$ \_\_\_\_\_

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ \_\_\_\_\_

Return Receipt (electronic) \$ \_\_\_\_\_

Certified Mail Restricted Delivery \$ \_\_\_\_\_

Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage  
 \$ \_\_\_\_\_

**Total Postage and Fees**  
 \$ \_\_\_\_\_

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

Ranniery Paul Hernandez  
 26720 SW 142nd Ave., Apt. 104  
 Naranja, FL 33032  
**16-0355-DEN/DRB(mt)**  
**(Cond. Adm. Ord. & Notice ~4-12-16)**



PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 4604 1935

**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:

Ranniery Paul Hernandez  
 26720 SW 142nd Ave., Apt. 104  
 Naranja, FL 33032  
**16-0355-DEN/DRB(mt)**  
**(Cond. Adm. Ord. & Notice ~4-12-16)**

9590 9402 1346 5285 6040 84

2. Article Number (Transfer from service label)  
**7015 3010 0001 4604 1935**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Agent  
 Addressee

B. Received by (Printed Name)  
 RECEIVED  
 OKLAHOMA INSURANCE DEPARTMENT  
 APR 1 2016  
 Legal Division

C. Date of Delivery  
 04/15/16

Do the delivery address differ from item 1?  Yes  
 If YES, enter delivery address below:  No

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, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt