

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

FILED

APR 07 2016

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN DOAK, Insurance Commissioner,
Petitioner,
v.
ERNEST S. STILLWELL
an applicant for a nonresident insurance
adjuster license,
Respondent.

Case No. 16-0358-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. Ernest S. Stillwell (“Respondent”) is an applicant for a nonresident insurance adjuster license in the State of Oklahoma.
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 26, 2016 with the Oklahoma Insurance Department (OID). On the application form, question 1A asks the following: “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?” Respondent answered “no” to this question.

2. The application provides that individual applicants can only exclude “the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license.” Applicants are also permitted to “exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).”

3. On or about October 19, 2011, Respondent pleaded guilty to a criminal misdemeanor charge for obstruction of justice in the State Court of Dekalb County, State of Georgia (The State of Georgia v. Ernest S. Stillwell, Case No. 11C37687-7A).

4. On the same 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.

5. 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.”

6. 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 which Respondent’s insurance adjuster license was placed on probation, issued by the Office of Commissioner of Insurance of the State of Georgia on or about December 14, 2011 (State Regulatory Information Retrieval System (“RIRS”) Identifier: 11007156_49821).

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 6220(A)(1); material misrepresentation or fraud in obtaining an adjuster’s license.
2. Respondent violated 36 O.S. § 6220(A)(14); having an insurance adjuster license or its equivalent denied, suspended, censured, placed on probation or revoked in any other state, province, district or territory.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent is **FINED TWO HUNDRED DOLLARS (\$200.00)** for a violation of 36 O.S. § 6220(A)(1) & (A)(14) . **The \$200.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$200.00 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 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 7th day of April, 2016.

JOHN DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Barron B. Brown

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 certified mail, with postage prepaid and return receipt requested, on this 7th day of April, 2016, to:

Ernest S. Stillwell
4411 Flakes Mill Road
Ellenwood, GA 30294

CERTIFIED MAIL NO. 7015 3010 0001 4604 0211

and a copy was delivered to:

Licensing Division

Barron B. Brown

Barron B. Brown
Assistant General Counsel

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PS Form 3800, April 2015 PSN

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 4411 Flakes Mill Rd.
 Ellenwood, GA 30294
 rg/16-0358-DEN(BBB)/Cond Adm Ord



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BBB 16-0358-DK

Insurance Commissioner
 Oklahoma Insurance Department
 5 Corporate Plaza
 3625 N.W. 56th St., Ste. #100
 Oklahoma City, OK 73112-4511

4-11

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- 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:

Ernest S. Stillwell
 4411 Fakes Mill Rd.
 Ellenwood, GA 30294
 Rtg/16-0358-DEN(BBB)/Cond Adm Ord



9590 9402 1346 5285 6016 49

2. Article Number (Transfer from service label)
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 Addressee

B. Received by (Printed Name)
 Yes
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C. Date of Delivery
 Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

MAY 0 2016

Legal Division

OKLAHOMA INSURANCE

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