

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

APR 25 2016

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
Petitioner,)
v.)
Burckhalter Funeral and Cremation Services,)
LLC,)
a licensed Oklahoma Funeral Establishment,)
Respondent.)

INSURANCE COMMISSIONER
OKLAHOMA

Case No. 16-0378-DIS

ORDER AND NOTICE OF RIGHT TO HEARING

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, and alleges and states as follows:

JURISDICTION

John D. 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., specifically the Prepaid Funeral Benefits Act, 36 O.S. §§ 6125 through 6136.18.

ALLEGATIONS OF FACT

1. Respondent Burckhalter Funeral and Cremation Services, LLC (“Respondent”) is licensed as a Funeral Establishment by the State of Oklahoma.
2. Burckhalter Funeral and Cremation Services, LLC was formerly known as Burckhalter Funeral Home, LLL until August 21, 2015 when ownership changed.
3. Respondent’s Prepaid Funeral Benefits permit was not approved by the Oklahoma Insurance Department (the “Department”) until April 12, 2016.

4. The Department received Respondent's initial application for a Prepaid Funeral Benefits permit in October 2015.

5. The Department needed additional information from Respondent in order to approve the permit and received the final documentation in March 2016.

6. From August 21, 2015 to April 12, 2016, Respondent wrote five (5) prepaid funeral contracts without a permit.

VIOLATIONS OF LAW

Respondent violated 36 O.S. § 6121 by transacting prepaid funeral business in the State of Oklahoma without a permit.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner, subject to the following paragraph, that Respondent violated 36 O.S. § 6121 and has thereby placed the welfare of the public at risk. Therefore, **Respondent is CENSURED and FINED in the amount of FIVE HUNDRED DOLLARS (\$500.00) payable within thirty (30) days of the date of mailing of this Order.**

IT IS FURTHER ORDERED by the Insurance Commissioner that this Order is conditional. 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 shall become a **FINAL ORDER** on the thirty-first day following the date of mailing of this Order. Such request for hearing, if desired, shall be made in writing addressed to Sara A. Worten, Assistant General Counsel, Oklahoma Insurance Department, Legal Division, 3625 N.W. 56th Street, Suite 100, Oklahoma City, Oklahoma 73112 and must be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on any such requested hearing will be

conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101, et seq., the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 through 323, and Title 365 of the Oklahoma Administrative Code.

WITNESS My Hand and Official Seal this 25th day of April, 2016.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Sara A. Worten", written over a horizontal line.


Sara A. Worten
Assistant General Counsel
Oklahoma Insurance Department
3625 N.W. 56th Street, Suite 100
Oklahoma City, Oklahoma 73112
Tel. (405) 522-6350
Email: sara.worten@oid.ok.gov

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Order and Notice of Right to Hearing was mailed by regular mail and certified mail, postage prepaid with return receipt requested, on this 25th day of April, 2016, to:

Burckhalter Funeral and Cremation Services, LLC
201 N. Wilson
Vinita, OK 74301

Certified Mail No.
7015 3010 0001 4736 5955



Sara A. Worten

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Burckhalter Funeral and Cremation
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 201 N. Wilson
 Vinita, OK 74301
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PS Form 3800, April 2015 PSN 7530-02-000-9053



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 Services, LLC
 201 N. Wilson
 Vinita, OK 74301
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Beth Griswold Agent
 Addressee

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Beth Griswold

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