

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

FILED

MAY 27 2016

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN)
D. DOAK, Insurance Commissioner,)
)
Petitioner,)
v.)
)
NORTHSTAR CEMETERY SERVICES OF)
OKLAHOMA, LLC, a provider of a perpetual)
care fund and a permitted provider of prepaid)
cemetery merchandise contracts in the)
State of Oklahoma,)
)
Respondent.)

Case No. 16-0512-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 his counsel, Barron B. Brown, and alleges and states as follows:

JURSDICTION AND AUTHORITY

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 et seq., including the Perpetual Care Fund Act, 36 O.S. §§ 7101 through 7112, and the Cemetery Merchandise Trust Act, 36 O.S. §§ 7121 through 7135.

2. NorthStar Cemetery Services of Oklahoma, LLC ("Respondent") is a provider of a perpetual care fund and a permitted provider of prepaid cemetery merchandise contracts in the State of Oklahoma, holding cemetery merchandise permit number 862477.

3. Pursuant to 36 O.S. § 7110, "[any] person, firm or corporation violating any of the provisions of the Perpetual Care Fund Act shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor

more than Two Thousand Five Hundred Dollars (\$2,500.00).” In addition, 36 O.S. § 7134 provides as follows: “[any] organization, or its officers or directors, which violate any provision of the Cemetery Merchandise Trust Act shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00).”

FINDINGS OF FACT

1. Pursuant to 36 O.S. § 7106(A), Respondent was required to submit its 2015 Perpetual Care Trust Fund Annual Report (the “Perpetual Care Report”) to the Oklahoma Insurance Department (“OID”) by March 15, 2016. Respondent untimely submitted this report to the OID on or about April 15, 2016.

2. Pursuant to 36 O.S. § 7128, Respondent was required to submit its 2015 Cemetery Merchandise Trust Fund Annual Report (the “Cemetery Merchandise Report”) to the OID by March 15, 2016. Respondent untimely submitted this report to the OID on or about April 15, 2016.

CONCLUSIONS OF LAW

1. Respondent has violated 36 O.S. § 7106(A); by failing to timely file its 2015 Perpetual Care Report with the OID.

2. Respondent has violated 36 O.S. § 7128; by failing to timely file its 2015 Cemetery Merchandise Report with the OID.

ORDER

IT IS THEREFORE ORDERED that Respondent has violated 36 O.S. §§ 7106(A) and 7128 and is hereby **CENSURED** and **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 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 27th day of May, 2016.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in black ink that reads "Barron B. Brown".

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

CERTIFICATE OF MAILING

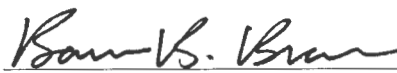
I, Barron B. Brown, hereby certify that a true and correct copy of the *Conditional Administrative Order and Notice of Right to Be Heard* was mailed by certified mail, with postage prepaid and return receipt requested, on the 27th day of May, 2016, to:

NorthStar Cemetery Services of Oklahoma, LLC
Attn: Corrie VanHouten
1900 St. James Place, Suite 300
Houston, TX 77056

CERTIFIED MAIL NO. 7015 3010 0001 4604 0396

and a copy was delivered to:

Shanna Johnson
Financial Division



Barron B. Brown
Assistant General Counsel

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

For delivery information, visit our website at 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 No. _____

City, State, ZIP+4® _____

NorthStar Cemetery Services of
 Oklahoma, LLC
 ATTN: Corrie VanHouten
 1900 St. James Place, Suite 300
 Houston, TX 77056
 rlg/16-0512-DIS(BBB)/Cond Adm Ord



PS Form 3800, April 2015 PSN 7530-02-000-9053

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:

NorthStar Cemetery Services of
 Oklahoma, LLC
 ATTN: Corrie VanHouten
 1900 St. James Place, Suite 300
 Houston, TX 77056
 rlg/16-0512-DIS(BBB)/Cond Adm Ord



9590 9402 1346 5285 6010 90

2. Article Number (Transfer from service label)

7015 3010 0001 4604 0396

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Ground Bellis* Agent Addressee

B. Received by (Printed Name) *NONNE WILLIAMS* C. Date of Delivery *5/31/16*

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

RECEIVED
 OKLAHOMA INSURANCE DEPARTMENT
 JUN 06 2016
 Legal Division

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 Signature Confirmation Restricted Delivery (over \$500)

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

Domestic Return Receipt