

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

**FILED**  
JUL 19 2016  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.	)	
DOAK, Insurance Commissioner,	)	
Petitioner,	)	
vs.	)	
	)	Case No. 16-0676-DIS
SEQUOIA INSURANCE COMPANY, a licensed	)	
insurance company doing business in the State of	)	
Oklahoma,	)	
Respondent.	)	

**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, Dan R. Byrd, 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 Sequoia Insurance Company ("Respondent") is a licensed insurance company doing business in the State of Oklahoma holding NAIC number 22985.

**FINDINGS OF FACT**

1. 85A O.S. § 31(D) provides that "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.”

2. On Thursday, June 9, 2016, the Oklahoma Insurance Department (“Department”) sent a Notice Of Potential Penalty via e-mail to Respondent advising Respondent that the Department had not received the Workers’ Compensation Multiple Injury Trust Fund Assessment Report filing required by 85A O.S. § 31(D) for the Quarter ending March 31, 2016 (the “Notice”). A copy of the Notice of Potential Penalty for the Quarter ending March 31, 2016 is attached hereto and incorporated by reference as Exhibit “1”.

3. The Notice advised Respondent that the Department was giving it the opportunity to correct the non-compliance by immediately providing the Department with (a) a copy of the WC-10 MITF Assessment Report (includes zero premium reports) for the applicable quarter(s) filed with the Oklahoma Tax Commission, and (b) a copy of the applicable quarter(s) check(s) (if payment was due) that was paid to the Oklahoma Tax Commission.

4. The Notice further advised Respondent to provide the documents referenced above within 15 days by e-mail ([Jeanette.pearce@oid.ok.gov](mailto:Jeanette.pearce@oid.ok.gov)), by fax (405-522-2640) or mail to: Oklahoma Insurance Department, ATTN: Financial Division, 3625 NW 56<sup>th</sup> St. Ste. 100, Oklahoma City, OK 73112-4511.

5. Finally the Notice informed Respondent that should a violation of Title 85A O.S. § 31(D) be confirmed by the Department, Respondent will 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.

6. Respondent filed its WC-10 form late to the Department on May 3, 2016 rather than by April 25, 2016 and no report was filed to the Oklahoma Tax Commission as required by 85A O.S. § 31(D).

### CONCLUSIONS OF LAW

1. Respondent has violated 85A O.S. § 31(D) for failing to timely report payment to the Department as required by 85A O.S. § 31(D) and submit the requested documents to the Department.

7. 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.”

### ORDER

**IT IS THEREFORE ORDERED** that Sequoia Insurance Company is **FINED** Five Hundred Dollars (\$500.00).

Respondent is further notified that it may request a hearing within thirty (30) days of the receipt of this Order concerning this action, and upon such request, the Oklahoma Insurance Department shall conduct a hearing before an independent hearing examiner. A request for hearing shall be made in writing to Dan R. Byrd, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112, and **state the basis for requesting the hearing.**

If Respondent does not request a hearing within the thirty (30) days allotted, this Order shall

become a FINAL ORDER on the 31<sup>st</sup> day following the receipt of the Order and the fine ordered herein shall be due.

WITNESS My Hand and Official Seal this 19<sup>th</sup> day of July, 2016.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Dan R. Byrd", is written over a horizontal line.

Dan R. Byrd  
Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 522-6330  
Fax (405) 522-0125

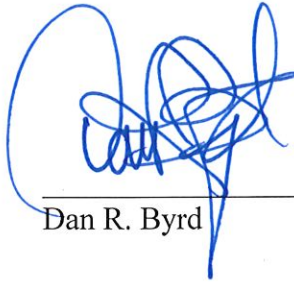


**CERTIFICATE OF MAILING**

I 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 certified, return receipt requested, on this 10<sup>th</sup> day of July, 2016, to:

Sequoia Insurance Company  
C/O Amtrust Assessments  
800 Superior Ave., E FL 21  
Cleveland, OH 44114-2613

**CERTIFIED MAIL NO:  
7015 3010 0001 4736 9229**



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Dan R. Byrd

**Jeanette Pearce**

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**From:** Jeanette Pearce  
**Sent:** Thursday, June 09, 2016 12:55 PM  
**To:** 'assessments@amtrustgroup.com'  
**Subject:** SEQUOIA INSURANCE COMPANY, NAIC 22985

**Importance:** High

June 9, 2016

SEQUOIA INSURANCE COMPANY, NAIC # 22985  
ATTN TAX COMPLIANCE DEPARTMENT

**NOTICE OF POTENTIAL PENALTY**  
For the Quarter ending 03/31/2016

The Oklahoma Insurance Department (the "Department") has not received the Workers' Compensation Multiple Injury Trust Fund Assessment Report filing required by 85A O.S. § 31(D). Although it appears you are in violation of the law, the Department is providing you with an opportunity to correct that non-compliance.

To assure your compliance with 85A O.S. § 31(D) you must immediately provide the Department with the following documents:

- a copy of the WC-10 MITF Assessment Report (includes zero premium reports) for the applicable quarter(s) filed with the Oklahoma Tax Commission, and
- a copy of the applicable quarter(s) check(s) (if payment was due) that was paid to the Oklahoma Tax Commission.

The above should be provided within 15 days by e-mail ([jeanette.pearce@oid.ok.gov](mailto:jeanette.pearce@oid.ok.gov)), by fax (405-522-2640) or mail to:

Oklahoma Insurance Department  
ATTN: Financial Division  
3625 NW 56<sup>th</sup> St. Ste. 100  
Oklahoma City OK 73112-4511

Should a violation of Title 85A O.S. § 31(D) be confirmed by the Department, you will 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.

We look forward to your prompt response. Please contact the Oklahoma Insurance Department Financial Division at (405) 521-6651, should you have any questions.

Sincerely,

*Jeanette Pearce*, PIR  
Financial Specialist

Click [HERE](#) for instructions and forms.





OKLAHOMA INSURANCE DEPARTMENT | FINANCIAL DIVISION  
3625 NW 56<sup>th</sup> ST STE 100 | OKLAHOMA CITY OK 73112-4511

 405-521-6651  405-522-4160  [Jeanette.Pearce@oid.ok.gov](mailto:Jeanette.Pearce@oid.ok.gov)



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July 21, 2016 , 9:00 pm	Departed USPS Facility	CLEVELAND, OH 44110
July 21, 2016 , 11:10 am	Arrived at USPS Facility	CLEVELAND, OH 44110
July 21, 2016 , 2:50 am	In Transit to Destination	
July 19, 2016 , 9:00 pm	Departed USPS Facility	OKLAHOMA CITY, OK 73107
July 19, 2016 , 7:33 pm	Arrived at USPS Facility	OKLAHOMA CITY, OK 73107

## Available Actions

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

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C/O Amtrust Assessments  
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Cleveland, OH 44114-2613  
**16-0676-DIS/DRB(mt)**  
(Cond. Adm. Ord. & Notice -7-19-16)

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