

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
JUL 20 2016
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
Petitioner,)
vs.)) Case No. 16-0685-DIS
NATIONAL SURETY CORPORATION, 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, Sara A. Worten, 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 National Surety Corporation ("Respondent") is a licensed insurance company doing business in the State of Oklahoma holding NAIC number 21881.

FINDINGS OF FACT

1. On or before April 15, 2016, Respondent was required to submit its Workers' Compensation Multiple Injury Trust Fund Assessment Report ("MITF Report") for the quarter ending March 31, 2016, to the Oklahoma Tax Commission ("OTC"). 85A O.S. § 31(A). The MITF Report was not received by the OTC until April 29, 2016.

2. 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.”

3. Accordingly, Respondent’s MITF Report for the quarter ending on March 31, 2016 was required to be submitted to the Oklahoma Insurance Department (“OID”) on or before April 15, 2016. Respondent untimely submitted the aforementioned MITF Report to the OID on or about May 2, 2016.

CONCLUSIONS OF LAW

1. Respondent has violated 85A O.S. § 31(D); by failing to timely submit its MITF Report to the OID.

ORDER

IT IS THEREFORE ORDERED that Respondent is **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 Sara A. Worten, 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 20th day of July, 2016.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Sara A. Worten
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112
Tel. (405) 521-2746
Fax (405) 522-0125

CERTIFICATE OF MAILING

I, Sara A. Worten, 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 20th day of July, 2016, to:

National Surety Corporation
Attn: Barbara McGee
1465 N. McDowell Boulevard, Suite 100
Petaluma, CA 94954-6516

CERTIFIED MAIL NO. 7015 3010 0001 4736 9458

and a copy was delivered to:

Financial Division



Sara A. Worten
Assistant General Counsel

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National Surety Corporation
Attn: Barbara McGee
1465 N. McDowell Boulevard, Suite 100
Petaluma, CA 94954-6516
16-0685-DIS/SAW(mt)
(Cond. Adm. Ord. & Notice ~7-20-16)

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

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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:

National Surety Corporation
Attn: Barbara McGee
1465 N. McDowell Boulevard, Suite 100
Petaluma, CA 94954-6516
16-0685-DIS/SAW(mt)
(Cond. Adm. Ord. & Notice ~7-20-16)



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X [Signature] Agent
 Addressee

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OKLAHOMA INSURANCE DEPARTMENT

AUG 01 2016

Legal Division

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 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

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