

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**  
SEP 15 2016  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN DOAK, Insurance Commissioner,  
Petitioner,  
v.  
MARIAN KINCADE,  
an applicant for a nonresident insurance adjuster license renewal,  
Respondent.

Case No. 16-0878-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, Sara A. Worten, and alleges and states as follows:

**JURISDICTION AND AUTHORITY**

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. Respondent is an applicant for a nonresident insurance adjuster license renewal in the State of Oklahoma. Respondent's address of record is 5801 Tennyson Parkway, Suite 600, Plano, Texas 75024.
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 sought renewal of her nonresident insurance adjuster license on or about August 30, 2016, with the Oklahoma Insurance Department (“OID”).
2. On the application form, question 1B asks the following: “Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?”
3. On the application form, question 2 asks “Have you even been named or involved as a party in an administrative proceeding...regarding any professional or occupational license or registration?”
4. The Respondent answered “no” to questions 1B and 2.
5. A RIRS check by the OID Licensing Division showed that Respondent had an administrative action against her from the State of Indiana in which a fine was issued for failing to disclose a deferred adjudication from a guilty plea to a criminal felony charge out of Texas. Respondent did not disclose this prior criminal history and administrative history in the license application.

### **ALLEGED VIOLATIONS OF LAW**

1. Respondent violated 36 O.S. § 6220(A)(1); material misrepresentation or fraud in obtaining an adjuster’s license.

### **ORDER**

**IT IS THEREFORE ORDERED** by the Insurance Commissioner that Marian Kincade is fined One Hundred Twenty-five Dollars (\$125.00) for each material misrepresentation or fraud in renewing her adjuster’s license for a total of a Two Hundred Fifty Dollar (\$250.00) fine. The \$250.00 fine is to be paid within thirty (30) days made

payable to the Oklahoma Insurance Department. The \$250.00 civil fine shall be paid by money order or cashier's check. Respondent's application to renew her 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 Respondent's request for a license renewal 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 Sara A. Worten, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> 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 15<sup>th</sup> day of September, 2016.



JOHN DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

Sara A. Worten  
Assistant General Counsel  
3625 NW 56<sup>th</sup> St., Suite 100  
Oklahoma City, OK 73112

**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 15<sup>th</sup> day of September, 2016, to:

Marian Kincade  
7001 Wagonwheel Rd  
Fort Worth, TX 76113

**CERTIFIED MAIL NO. 7016 0910 0000 5833 9495**

and a copy was delivered to:

Nicole Godfrey  
Licensing Division

  
\_\_\_\_\_  
Sara A. Worten  
Assistant General Counsel





**JOHN D. DOAK**  
**Insurance Commis**  
 Oklahoma Insurance De  
 5 Corporate Plaza  
 3625 N.W. 56th St., Ste.  
 Oklahoma City, OK 7311

RECEIVED  
 OKLAHOMA INSURANCE DEPARTMENT  
 SEP 20 2016  
 Legal Division

7016 0910 0000 5833 9495  
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Marian Kincade  
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 Fort Worth, TX 76113

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PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Marian Kincade  
 7001 Wagonwheel Rd.  
 Fort Worth, TX 76113  
 16-0878-DENSAW(ml)  
 (Cond. Adm. Ord. & Notice ~9-15-16)



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Marian Kincade  
 7001 Wagonwheel Rd.  
 Fort Worth, TX 76113  
 16-0878-DENS/SAW(mt)  
 (Cond. Adm. Ord. & Notice ~9-15-16)

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

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1. Article Addressed to:

Marian Kincade  
 7001 Wagonwheel Rd.  
 Fort Worth, TX 76113  
 16-0878-DENS/SAW(mt)  
 (Cond. Adm. Ord. & Notice ~9-15-16)



9590 9402 1736 6074 9177 80

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SEP 20 2016

Legal Division

OKLAHOMA INSURANCE DEPARTMENT

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