

**TITLE 365. INSURANCE DEPARTMENT**  
**CHAPTER 1. ADMINISTRATIVE OPERATIONS**  
**SUBCHAPTER 3. INVESTIGATIONS**

**365:1-3-1. Initiation of investigative proceedings; cooperation; investigators**

(a) Investigations and inquiries are originated upon request or complaint of members of the insuring public, or by the Insurance Commissioner upon his/her own motion. Any person may apply to the Commissioner to institute a proceeding in respect to any violation of law over which the Commissioner has jurisdiction. The application or complaint should be in writing, signed by the applicant, and should contain a statement setting forth the alleged violations of law and the name and address of the party or parties complained of. No forms or formal procedures are required in making applications or complaints. The applicant is not regarded as a party, since the Commissioner acts only in the public interest. The Commissioner shall not take action when the alleged violation of law is merely a matter of private controversy and does not tend to adversely affect the public.

(b) The Commissioner encourages voluntary cooperation in investigations. The Commissioner may invoke any or all of the compulsory processes authorized by law. Inquiries and investigations, under the various statutes administered by the Commissioner, are conducted by representatives designated and duly authorized for this purpose. Such representatives are authorized to exercise and perform the duties of their office in accordance with laws of the State of Oklahoma and the regulations of the Commissioner, including the administration of oaths and affirmations, in any matter under investigation by the Commissioner. Any party under investigation, compelled to furnish information or documentary evidence, shall be advised of the purpose and scope of the investigation.

[Source: Amended at 10 Ok Reg 1457, eff 5-1-93]

**365:1-3-2. Investigational hearings**

Investigational hearings, as distinguished from hearings in adjudicative proceedings, may be conducted in the course of any investigation undertaken by the Commissioner, including inquiries initiated of the purpose of determining whether or not a respondent is complying with an order of the Commissioner. Investigational hearings may be held before the Commissioner, or a duly designated representative, for the purpose of hearing the testimony of witnesses and receiving documents and other data relating to any subject under investigation.

**365:1-3-3. Investigational subpoenas**

The Commissioner may issue a subpoena directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence relating to any matter under investigation, or both. Subpoenas shall be served in the manner provided by law.

**365:1-3-4. Depositions**

The Commissioner may order testimony to be taken by deposition in any investigation at any stage of such investigation. Such depositions may be taken before any person designated by the Commissioner and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his/her direction, and shall then be transcribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence as provided by law.

[Source: Amended at 10 Ok Reg 1457, eff 5-1-93]

**365:1-3-5. Notices to grant access**

The Commissioner may issue a notice to grant access to, for examination and copying, documents, books or other records of any person being investigated.

**365:1-3-6. Reports**

The Commissioner may issue an order requiring persons under his jurisdiction to file a report or to submit answers in writing to specific questions relating to any matter under investigation.

### **365:1-3-7. Noncompliance with investigational processes**

In case of failure to comply with the Commissioner's investigational processes, appropriate action may be initiated by the Commissioner, including acts for enforcement by the Commissioner.

### **365:1-3-8. Rights of witnesses**

Any person required to testify or to submit documentary evidence shall be entitled to retain, or on payment of lawfully prescribed cost, procure a copy of any document produced by such person and to procure a copy of his/her own testimony as stenographically reported or, in the case of depositions, as reduced to writing by or under the direction of the person taking the deposition, except that in a nonpublic proceeding a witness may for good cause be limited to inspection of his/her testimony. Any party compelled to testify or to produce documentary evidence may be accompanied and advised by counsel.

[Source: Amended at 10 Ok Reg 1457, eff 5-1-93]

### **365:1-3-9. Referrals after investigation**

Upon completion of investigation, where the facts indicate that no corrective action by the Commissioner is warranted, the investigational files are closed. Where remedial action is appropriate the files may be referred for the initiation of appropriate action.

[Source: Amended at 10 Ok Reg 1457, eff 5-1-93]

### **365:1-3-10. Voluntary agreements to cease and desist**

In order to avoid the expense and time involved in formal legal proceedings, it is the policy of the Commissioner to afford persons who have engaged in unlawful acts and practices an opportunity to enter into voluntary agreements to cease and desist therefrom, when it appears to the Commissioner that such procedure fully safeguards the public interest. The Commissioner reserves the right in all cases to withhold the privilege of disposition by voluntary agreement. All stipulations shall be matters of public record.