

revoke or refuse to issue or renew a license issued pursuant to the Oklahoma Producer Licensing Act and/or may levy a fine up to \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code pursuant to 36 O.S. § 1435.13(A) and (D).

4. If Respondent requests a hearing in writing in this matter, pursuant to OAC 365:1-7-1, the Insurance Commissioner, pursuant to 36 O.S. § 319, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

5. The Insurance Commissioner, pursuant to OAC 365:1-7-5, upon written request reasonably made by a person affected by the hearing and at such person's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.

ALLEGATIONS OF FACTS

6. Respondent's non-resident entity producer license ("License") in the State of Oklahoma expired on May 31, 2017.

7. Respondent submitted a renewal application on August 31, 2017.

8. On September 6, 2017, the Oklahoma Insurance Department ("OID") Licensing Division requested information regarding policies sold in the State of Oklahoma by Respondent after the expiration of Respondent's License on May 31, 2017.

9. On September 6, 2017, Respondent provided a list indicating that Respondent sold approximately 15 policies in this state from May 31, 2017, to present.

10. Pursuant to 36 O.S. § 1435.4(A) an entity shall not sell, solicit, or negotiate insurance in this state unless the entity is licensed for that line of authority in

accordance with the Oklahoma Producer Licensing Act.

11. Pursuant to 36 O.S. § 1435.13(A) and (D), the Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew a license issued pursuant to the Oklahoma Producer Licensing Act and/or may levy a civil penalty up to \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code.

ALLEGED CONCLUSIONS OF LAW

12. Respondent has violated 36 O.S. §§ 1435.4(A) and 1435.13(A)(2) by selling, soliciting or negotiating insurance in Oklahoma without an active producer license.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent is hereby **CENSURED** and **FINED Five Hundred Dollars (\$500.00)** for a violation of 36 O.S. §§ 1435.4(A) and 1435.13(A)(2). The **\$500.00 fine is to be paid within thirty (30) days** of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department. Respondent's application for non-resident entity insurance producer license shall 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 license application being withdrawn.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of mailing of this Order, this Order and the penalties set forth above shall become a Final

Order on the thirty-first (31st) day following the mailing of this Order. A request for hearing shall be in writing addressed to Sandra LaVene, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112. Additionally, the request for hearing shall state the grounds for the request to set aside or modify the Order. The request shall be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *through* 323. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as a 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 28th day of September, 2017.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


Sandra LaVene OBA# 13372
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112
(405) 521-2746
sandra.lavenue@oid.ok.gov

CERTIFICATE OF MAILING

I, Sandra LaVenue, 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 28th day of September 2017, to:

Estal Insurance and Financial Services, Inc.,
d/b/a Mid America Specialty Markets
1656 Bryan Rd.
O'Fallon, MO 63368

CERTIFIED MAIL NO.

9214 8902 0982 7500 0020 33

and a copy was delivered to:
Lori Jones
Licensing Division



Sandra LaVenue
Senior Counsel

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