

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

FILED
OCT 13 2017
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,)
)
)
Petitioner,)
)
vs.)
)
BEN MENTON PHILLIPS,)
a resident insurance adjuster,)
)
Respondent.)

CASE NO. 17-0699-DEN

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 his attorney, Lisa M. Torneten, and alleges and states as follows:

JURISDICTION AND AUTHORITY

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 et seq., including the Insurance Adjusters Licensing Act, 36 O.S. §§ 6201 through 6223.

2. Ben Menton Phillips (“Respondent”) is a formerly licensed resident adjuster in the State of Oklahoma holding license number 40086842. Respondent’s mailing address of record is 225 NE 38th Terrace Suite B Oklahoma City, Oklahoma 73105.

3. The Insurance Commissioner may censure, suspend, revoke or refuse to issue or renew a 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 pursuant to 36 O.S. § 6220(A) and (B).

ALLEGATIONS OF FACTS

1. Respondent is an Oklahoma insurance adjuster whose license expired on June 30, 2017. Respondent submitted an application for reinstatement of his adjuster's license with the Oklahoma Insurance Department (the "Department") on September 22, 2017.
2. Upon an investigation conducted by the Department Licensing Division, it was discovered that Respondent continued to negotiate thirty-six (36) claims since July 1, 2017.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 6220(A)(9); adjusting losses or negotiating claim settlements without proper licensing.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent is hereby **FINED THREE HUNDRED DOLLARS (\$300.00)** for violation of 36 O.S. § 6220(A)(9). The **\$300.00 fine is to be paid within thirty (30) days** of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department. License will be reinstated upon payment of the fine.

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 day following the mailing of this Order. A request for hearing shall be in writing addressed to Lisa M. Torneten, 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 13TH day of October, 2017.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Lisa M. Torneten
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112
(405) 522-6330
(405) 522-1250 Fax

CERTIFICATE OF MAILING

I, Lisa M. Torneten, 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 13TH day of October, 2017, to the following:

Ben Phillips
225 NE 38th Terrace Suite B
Oklahoma City, Oklahoma 73105

CERTIFIED MAIL NO. 7016 2140 0000 3511 1956

and a copy was delivered to:

Niki Godfrey
Licensing Division

Angel Henline
Consumer Assistance Division



Lisa M. Torneten
Assistant General Counsel

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CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

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Adult Signature Restricted Delivery \$ _____



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Sent To
 Ben Phillips
 225 NE 38th Terrace Suite B
 Oklahoma City, Oklahoma 73105
 17-0699-DIS/LMT(mt)
 (Cond.Adm.Ord. & Notice ~10-13-17)

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

SENDER: COMPLETE THIS SECTION

- 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:

Ben Phillips
 225 NE 38th Terrace Suite B
 Oklahoma City, Oklahoma 73105
 17-0699-DIS/LMT(mt)
 (Cond.Adm.Ord. & Notice ~10-13-17)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Kenich Motter* Agent Addressee

B. Received by (Printed Name) *Kenich Motter* C. Date of Delivery *10-16-17*

D. Is delivery address different from item 1? Yes No
 YES, enter delivery address below: _____

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 OKLAHOMA INSURANCE DEPARTMENT
 OCT 18 2017
 Legal Division

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- Insured Mail Signature Confirmation Restricted Delivery (over \$500)

2. Article Number (Transfer from service label)
 7016 2140 0000 3511 1956

