

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

FILED

MAR 06 2018

**INSURANCE COMMISSIONER]
OKLAHOMA**

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
) **Petitioner,**)
)
vs.)
CHEROKEE TITLE & ESCROW, LLC,)
a renewal applicant for a resident title)
producer license,)
)
) **Respondent.**)
)

CASE NO. 18-0065-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 counsel, Sandra G. LaVenue, 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 Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1 *through* 1435.41.
2. Cherokee Title & Escrow, LLC (“Respondent”) is a renewal applicant for a resident title producer license in the State of Oklahoma. Respondent’s mailing address of record is 133 N. Muskogee Ave. STE C, Tahlequah, OK 74464.
3. 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 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 resident title producer license ("License") in the State of Oklahoma expired on September 30, 2017.

7. Respondent submitted a renewal application on January 28, 2018.

8. On January 30, 2018, the Oklahoma Insurance Department ("OID") Licensing Division requested information regarding sales, solicitation and or negotiation of title insurance after the expiration of Respondent's License on September 30, 2017.

9. On January 31, 2018, Respondent provided a list of all title insurance sold from September 30, 2017 to January 31, 2018.

10. Pursuant to 36 O.S. § 1435.26(C) it is unlawful for any person to act as a title producer in the State of Oklahoma without being duly licensed.

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. §§ 1435.26(C) and 1435.13(A)(1) by acting as a title producer in the State of Oklahoma without being duly licensed.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent is hereby **CENSURED** and **FINED Seven Hundred and Fifty Dollars (\$750.00)** for a violation of 36 O.S. §§ 1435.26(C) and 1435.13(A)(1). The **\$750.00 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 resident title 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 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 6th day of March 2018.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Sandra LaVenue OBA# 13372
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112
(405) 521-2746

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 6th day of March 2018, to:

Cherokee Title & Escrow LLC
133 N. Muskogee Ave.
STE C
Tahlequah OK 74464

CERTIFIED MAIL NO.

9214 8902 0982 7500 0058 81

and a copy was delivered to:
Lori Jones
Licensing Division



Sandra LaVenue
Senior Counsel

Date Produced: 03/12/2018

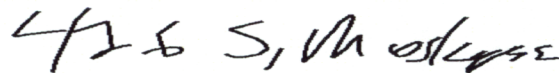
OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0058 81. Our records indicate that this item was delivered on 03/08/2018 at 01:53 p.m. in TAHLEQUAH, OK 74464. The scanned image of the recipient information is provided below.

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