

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

FILED

APR 13 2018

INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,

Petitioner,

vs.

CARL BROWNING, a renewal applicant for a non-resident insurance adjuster license,

Respondent.

CASE NO. 18-0180-DEN

FILED

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INSURANCE COMMISSIONER  
OKLAHOMA

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 Insurance Adjusters Licensing Act, 36 O.S. §§ 6201-6223.

2. Carl Browning ("Respondent") is an applicant for a renewal of his non-resident insurance adjuster license in the State of Oklahoma. Respondent's mailing address of record is 2802 Ecletto Blvd., Wichita Falls, TX 76308-5132.

3. The Insurance Commissioner may censure, suspend, revoke, or refuse to issue or renew a license issued pursuant to the Oklahoma Insurance Adjuster 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.

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 submitted a renewal of his non-resident insurance adjuster license on or about February 22, 2018, with the Oklahoma Insurance Department ("OID"). On the application form, question 2 asks the following: "Have you been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration, which has not been previously reported to this insurance department." Respondent answered "no" to this question.

7. A background check by the OID Licensing Division showed that Respondent was a party to an administrative proceeding regarding his professional license with the Maine Bureau of Insurance, wherein a Consent Agreement was entered on or about August 21, 2017. The Consent Agreement assessed a fine against Respondent in the amount of \$100.00.

8. Respondent did not report the Maine administrative action to OID until February 28, 2018.

9. Respondent failed to report the Maine administrative action within 30 days of the final disposition of the matter as required by 36 O.S. § 6222.

#### **ALLEGED CONCLUSIONS OF LAW**

10. Respondent has violated 36 O.S. §§ 6220(A)(8) and § 6222 by failing to report an administrative action in another jurisdiction within 30 days of the final disposition of the matter.

#### **ORDER**

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner, subject to the following paragraph, that Respondent is hereby **CENSURED** and **FINED ONE HUNDRED AND DOLLARS (\$100.00)** for a violation of 36 O.S. §§ 6220(A)(8) and 6222. The **\$100.00 fine is to be paid within thirty (30) days** of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department. The \$100.00 civil fine shall be paid by money order or cashier's check. Respondent's renewal application for a non-resident 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 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

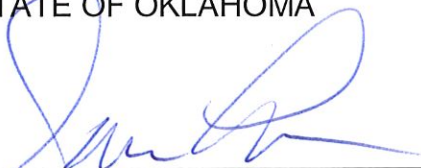


Order on the thirty-first (31<sup>st</sup>) day following the mailing of this Order. A request for hearing shall be in writing and addressed to Sandra LaVenue, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112. Additionally, the request 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 13<sup>th</sup> day of April, 2018.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
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Sandra LaVenue OBA# 13372  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> 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 13<sup>th</sup> day of April, 2018, to:

Carl Browning  
2802 Ecletto Blvd.  
Wichita Falls, TX 76308-5132

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0073 73

and a copy was delivered to:

Nicole Godfrey  
Licensing Division



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Sandra LaVenue  
Senior Counsel