

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

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,
Petitioner,
v.
JOHN M. BROWN INSURANCE AGENCY, a/k/a FARMER BROWN INSURANCE AGENCY, a licensed nonresident business entity producer,
Respondent.

Case No. 18-0190-DIS

FILED
MAY 23 2018
**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 his attorney, and alleges and states as follows:

JURISDICTION

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma and is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq.

2. John M. Brown Insurance Agency, Inc. is licensed by the State of Oklahoma as a nonresident business entity producer holding license number 100133243. Its address of record is 750 N. Franklin, Suite 208, Chicago, IL 60654. The agency uses the alias “Farmer Brown Insurance Agency” also located at 750 N. Franklin, Suite 208, Chicago, IL 60654.

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, 36 O.S. § 1435.13(A) and (D).

ALLEGATIONS OF FACT

1. The Oklahoma Insurance Department (the “Department”) received a complaint on December 5, 2017 regarding insurance sold by Maria Dossa, a representative of the John M. Brown Insurance Agency, to Oklahoma resident Michael Turner.

2. In her electronic mailings to Turner, Maria Dossa represented herself as a Commercial Insurance Manager at Farmer Brown Insurance Agency. Dossa provided premium quotes and coverage explanations to Turner. Dossa advised Turner in a telephone conversation to insure his commercial building at note value and that the limits would increase as he remodeled it because he had “replacement cost coverage”.

3. Dossa was not licensed as a resident Illinois producer nor as a nonresident Oklahoma producer when she sold Turner insurance; Dossa was not even licensed as a customer service representative when she represented herself to Turner as a “Commercial Insurance Manager” – a title that infers competence concerning insurance matters.

4. Dossa further assisted Turner with an insurance claim on his property policy after his commercial building burned and was deemed a total loss. Dossa communicated with both Turner and the claims adjuster and arranged for them to meet for an on-site inspection of the damage. Turner received payment for the \$100,000 policy limit on the building on March 7, 2017.

5. Dossa later explained in a telephone conversation with Turner that his property policy would pay additionally for complete replacement of his building because he had the “replacement cost” coverage. In a July 6, 2017 email, Dossa still represents to Turner that the

replacement cost coverage would pay for a new building and to send his building plans to the adjuster. This was four months after the \$100,000 policy limits were extinguished and paid in March 2017.

6. Based on the representations Dossa made to him, Turner believed he would receive an additional amount to cover the entire cost of replacing his building. His public adjuster, Alice Brown, explained that the \$100,000 policy limit was the maximum amount he would receive. Confused, Turner once again contacted Dossa who stated that the policy provided replacement cost and that Turner would get a new building no matter the cost. Turner passed this information to Brown who stated that Dossa was wrong. Dossa contacted Turner a few days later and admitted she was wrong about replacement cost; Turner would not be receiving any more claim money.

5. Turner complained to the Department that Dossa's lack of basic insurance knowledge and training was unprofessional and dangerous to people buying insurance from her. Department records show that Maria Dossa, despite selling insurance and handling claims, has never been licensed as a nonresident insurance producer. Dossa was not properly licensed to hold the title "Commercial Insurance Manager" which infers training and knowledge in insurance matters.

6. *A person shall not sell, solicit, or negotiate insurance in this state for any class or classes of insurance unless the person is licensed for that line of authority in accordance with the Oklahoma Producer Licensing Act.* 36 O.S. § 1435.4(A).

CONCLUSIONS OF LAW

1. Respondent violated 36 O.S. § 1435.14(A) by paying a commission, service fee, brokerage or other valuable consideration to a person for selling, soliciting or negotiating

insurance in Oklahoma when that person was required to be licensed under this act and was not so licensed; a violation of 1435.13(A)(2).

2. Respondent violated 36 O.S. § 1435.13(A)(8) by using dishonest practices and demonstrating incompetence in failing to ensure its agency representative was educated, trained and licensed in the business of commercial insurance to the detriment of the policyholder.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that the Respondent violated 36 O.S. § 1435.13(A)(2) and (8), and as a result **Respondent is FINED** in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**. **Fine to be paid within thirty (30) days of receipt of this Order.**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date 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 date of mailing this Order. A request for hearing should be in writing addressed to Julie Meaders, Oklahoma Insurance Department, Legal Division, Post Office Box 53408, Oklahoma City, Oklahoma 73152-3408. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under the Insurance Code and 75 O.S. § 250-323. If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as 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. The allegations contained herein shall be the subject matter for the hearing, and such allegations may be amended as additional information is discovered. The Commissioner or his appointed Hearing Examiner reserves the right to impose additional or different administrative discipline at a Hearing, if warranted.

WITNESS My Hand and Official Seal this 23rd day of May, 2018.

JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Julie Meaders
Deputy General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112
Telephone: (405) 521-2746.

CERTIFICATE OF MAILING

I, Julie Meaders, 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 23rd day of May, 2018, to:

John M. Brown, President
John M. Brown Insurance Agency, Inc.
Farmer Brown Insurance Agency
750 N. Franklin Street
Suite 208
Chicago, IL 60654

CERTIFIED MAIL NO. 9214 8902 0982 7500 0087 76

and a copy was delivered to:

Consumer Assistance Division

and

Producer Licensing Division



Julie Meaders

Date Produced: 06/04/2018

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0087 76. Our records indicate that this item was delivered on 05/29/2018 at 03:49 p.m. in CHICAGO, IL 60654. The scanned image of the recipient information is provided below.

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Sincerely,
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