

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

FILED

MAR 29 2018

STATE OF OKLAHOMA ex rel. )  
JOHN D. DOAK, Insurance Commissioner, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ACCESS INSURANCE COMPANY )  
 )  
Respondent. )

INSURANCE COMMISSIONER )  
OKLAHOMA )

Case No. 18-0211-DIS

**ORDER OF SUSPENSION OF CERTIFICATE OF AUTHORITY**

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, having reviewed information received relating to Access Insurance Company, a Texas domiciled insurance company ("the Company" or "Guarantee"), and finds and orders as follows:

**JURISDICTION**

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.

2. Access Insurance Company is authorized to do business in Oklahoma as a property, casualty and surety foreign insurer pursuant to Certificate of Authority Number 4428 (NAIC Number 11711).

**FINDINGS OF FACT**

1. The Company was ordered into receivership for purposes of liquidation by the District Court of Travis County, Texas on March 13, 2018. The Texas Insurance Commissioner

is the court appointed Receiver of Access Insurance Company. The Company consented to the entry of the Agreed Order Appointing Liquidator, Permanent Injunction and Notice of Automatic Stay (Exhibit “A”).

2. Oklahoma law mandates the revocation or suspension of an insurer’s certificate of authority if the insurer fails to maintain minimum statutory capital and surplus. This Company no longer meets the requirements for its Oklahoma certificate of authority pursuant to 36 O.S. § 612.2 because of deficiency in assets and for other reasons within the meaning of 36 O.S. § 618(2) and OAC 365: 25-7-42.

3. The Company is in such a financial condition as to render its further transaction of insurance in this state hazardous to its policyholders or the people of this state within the meaning of 36 O.S. § 619(A) (3); OAC 365: 25-7-42.

#### **CONCLUSIONS OF LAW**

1. Pursuant to 36 O.S. §§ 618 and 619 (C) of the Oklahoma Insurance Code, the Insurance Commissioner has the authority to restrict the Company’s insurance writings and suspend conduct of its insurance business in Oklahoma.

2. Pursuant to Sections 618 and 619 (C) of the Oklahoma Insurance Code, the Insurance Commissioner, based on the above findings of fact, concludes as a matter of law that the Company should be suspended from conducting business in Oklahoma; however, the Company may continue to service existing policies, adjust claims under existing policies and do all matters necessary to attend to existing Oklahoma business and to abide by the terms of the Texas Agreed Order Appointing Liquidator, Permanent Injunction and Notice of Automatic Stay of Rehabilitation and Injunction.

**ORDER**

**IT IS THEREFORE ORDERED** that Access Insurance Company is suspended from doing business in Oklahoma from the date of the filing of this Order. The Company may continue to service existing policies, adjust claims under existing policies and do all matters necessary to attend to existing business in Oklahoma and to abide by the terms of the liquidation established by the Texas Department of Insurance. The Company's actions enumerated in the Findings of Fact above constitute behavior that is a detriment to the public and constitutes a threat of immediate danger and significant, imminent and irreparable public injury that is likely to continue if the Company is allowed to write new or renewal business; therefore, this Order shall take effect immediately.

**IT IS FURTHER ORDERED** that the Company may request a Hearing within thirty (30) days of receipt of this Order to determine if any reasons exist that should preclude any of the actions taken herein. Any request for Hearing should be in writing, addressed to Julie Meaders, Deputy General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 N.W. 56<sup>th</sup>, Suite 100, Oklahoma City, OK 73112, and must state the grounds for the request to set aside or modify the Order. Pending hearing, this Order shall continue in full force and effect unless stayed by the Commissioner.

Any such hearing shall be conducted according to the procedures for contested cases under the Oklahoma Insurance Code, 75 O.S. §§ 250 et seq. and OAC 365:1-7-1 et seq. 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.

**IT IS FURTHER ORDERED** that if no hearing is requested within thirty (30) days of receipt of this Order, this Order shall become a Final Order.

**WITNESS** My Hand and Official Seal this 29<sup>th</sup> day of March 2018.



A handwritten signature in black ink that reads "James C. Mills".

---

JAMES MILLS  
Chief of Staff  
Oklahoma Insurance Department

**CERTIFICATE OF SERVICE**

I, Julie Meaders, hereby certify that a true and correct copy of the above and foregoing *Order of Suspension of Certificate of Authority* was mailed postage prepaid with return receipt requested on this 29<sup>th</sup> day of March, 2018 to:

Jennifer Jackson  
Cynthia Morales  
Assistant Attorney General  
Financial Litigation Division  
P.O. Box 12548  
Austin, TX 78711-2548

***Certified Mail Number***  
***7017 1450 0002 2806 8353***

ATTORNEYS FOR PLAINTIFF

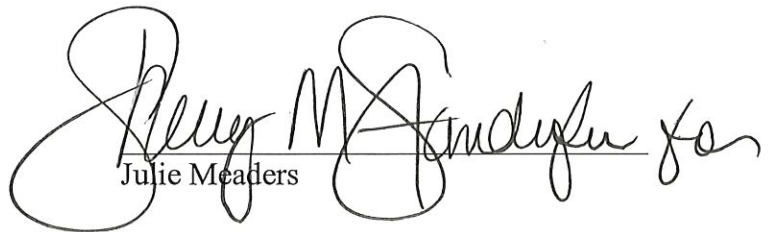
Burnie Burner  
Mitchell, Williams, Selig, Gates & Woodyard, PLL  
500 W. 5<sup>th</sup> Street  
Suite 1150  
Austin, TX 78701

***Certified Mail Number***  
***7017 1450 0002 2806 8360***

ATTORNEYS FOR DEFENDANT

A copy was delivered to the Oklahoma Insurance Department Financial and Examination Division.

And notification was sent to NAIC/RIRS.

  
Julie Meaders

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Jennifer Jackson  
 Cynthia Morales  
 Assistant Attorney General  
 Financial Litigation Division  
 P.O. Box 12548  
 Austin, TX 78711-2548  
 SMS/18-0211-DIS/Ord of Suspension

PS Form 3800, April 2015 PSN 7530-02-000-9053

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Jennifer Jackson  
 Cynthia Morales  
 Assistant Attorney General  
 Financial Litigation Division  
 P.O. Box 12548  
 Austin, TX 78711-2548  
 SMS/18-0211-DIS/Ord of Suspension



2. Article Number (Transfer from service label)

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Agent  
 Addressee

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B. Received by (Printed Name) \_\_\_\_\_

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 No

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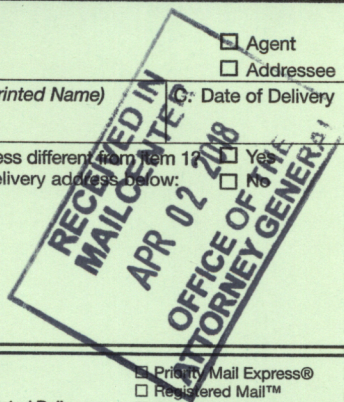
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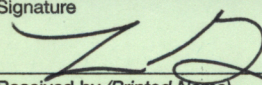


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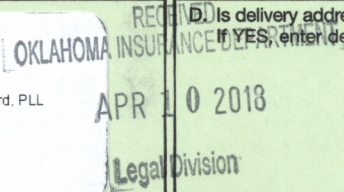
A. Signature  Agent  Addressee

X 

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