

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

FILED

JUN 14 2018

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner, )  
)  
)  
Petitioner, )  
)  
vs. )  
)  
MACCHIA GENERAL AGENCY, INC., a )  
renewal applicant for a non-resident entity )  
producer, )  
)  
Respondent. )  
)

INSURANCE COMMISSIONER  
OKLAHOMA

CASE NO. 18-0279-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. Macchia General Agency, Inc. ("Respondent") is a renewal applicant for a non-resident entity producer license in the State of Oklahoma. Respondent's mailing address of record is 6410 Southwest Blvd. no. 222, Benbrook, Texas 76109.

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 non-resident entity producer license ("License") in the State of Oklahoma expired on February 28, 2018.

7. Respondent submitted a late renewal application on March 16, 2018.

8. On the application form, question 2 asks whether or not the business had been named or involved as a party in any administrative proceeding, to which Respondent answered "no."

9. Research conducted by the Licensing Division revealed that there were two (2) administrative actions involving Respondent which Respondent failed to disclose in either its Renewal Application submitted to the Oklahoma Insurance Department or by uploading the information into the NIPR Document Warehouse.

10. In Texas Department of Insurance Official Order number 3453, dated July 28, 2014, Respondent was assessed a fine in the amount of \$7250.00. In Texas

Department of Insurance Official Order number 4606, dated July 28, 2016, Respondent was assessed a fine in the amount of 5100.00.

11. Pursuant to 36 O.S. § 1435.13(A)(1), it is a violation of the Producer Licensing Act for a producer to provide incorrect, misleading, incomplete or materially untrue information in a license application.

12. Pursuant to 36 O.S. § 1435.13(A)(2), it is a violation of the Producer Licensing Act for a producer to violate any insurance laws of another state's Insurance Commissioner.

13. 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**

14. Respondent has violated 36 O.S. § 1435.13(A)(1) and (2) by providing incorrect, misleading, incomplete or materially untrue information in a license application and by violating any insurance law of the state of Oklahoma or of another state's Insurance Commissioner.

#### **ORDER**

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner, subject to the following paragraph, that Respondent is hereby **CENSURED** and **FINED Five Hundred Dollars (\$500.00)** for a violation of 36 O.S. §§ 1435.4(A)(1) and 1435.13(A)(2). The **\$500.00 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 non-resident entity insurance 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 Respondent's 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 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 14<sup>th</sup> day of June, 2018.

JOHN D. DOAK



INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Sandra LaVenue", is written over a horizontal line.

Sandra LaVenue OBA# 13372  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73112  
(405) 521-2746  
sandra.lavenue@oid.ok.gov

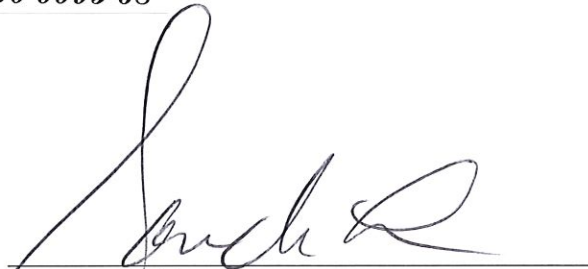
**CERTIFICATE OF MAILING**

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 14<sup>th</sup> day of June 2018, to:

Macchia General Agency, Inc.  
6410 Southwest Blvd. No. 222  
Benbrook, TX 76109

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0095 68

and a copy was delivered to:  
Lori Jones  
Licensing Division



Sandra LaVenue  
Senior Counsel

Date Produced: 06/25/2018


OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0095 68. Our records indicate that this item was delivered on 06/18/2018 at 02:26 p.m. in FORT WORTH, TX 76109. The scanned image of the recipient information is provided below.

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Sincerely,  
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