

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
NOV 28 2018
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner,)
v.)
)
FARMERS AND MERCHANTS NATIONAL)
BANK, an applicant for reactivation of a)
resident business entity insurance producer)
license in the State of Oklahoma,)
)
)
Respondent.)

Case No. 18-0819-DIS

**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, Teresa L. Green, 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.*, including Oklahoma Producer Licensing Act, *36 O.S. § 1435.1 et seq.*

2. Farmers and Merchants National Bank ("Respondent") is an applicant for reactivation of a resident business entity insurance producer license in the State of Oklahoma. Its address of record is P.O. Box 493, Fairview, OK 73737.

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)*.

FINDINGS OF FACT

1. Oklahoma Insurance Department's records show that Respondent's license became inactive on April 30, 2018 for failing to renew.

2. On or about October 11, 2018, Respondent submitted an application to reinstate its producer license.

3. On or about October 16, 2018, the Oklahoma Insurance Department Licensing Division requested information regarding "NEW policies sold, solicited, or negotiated in the State of Oklahoma...from the dates of 04/30/2018 to the present."

4. Respondent provided the Oklahoma Insurance Department a list of policies from April 10, 2018 to September 20, 2018. Respondent sold eighty-nine (89) insurance policies from April 30, 2018 to September 20, 2018.

5. Pursuant to *36 O.S. §§ 1435.4(A) & 1435.7(B)*, business entities must maintain an insurance producer license to sell, solicit, or negotiate insurance in Oklahoma for any class or classes of insurance. Respondent failed to maintain an active license while conducting insurance business during the period of April 30, 2018 through September 20, 2018, when eighty-nine (89) insurance policies were sold.

CONCLUSIONS OF LAW

1. Respondent violated *36 O.S. §§ 1435.4(A) & 1435.7(B)* by failing to maintain an active producer license while conducting an insurance-related business.

2. Pursuant to 36 O.S. §§ 1435.13(A)(2), Respondent's violations of Oklahoma insurance laws are sufficient cause for the Insurance Commissioner to levy a civil penalty on Respondent.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that Respondent is **FINED** in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** for the violations of 36 O.S. §§ 1435.4(A) & 1435.7(B). **The Fine is to be paid within thirty (30) days of receipt of this Order.** Respondent's application for reactivation of its resident business entity insurance producer license may be granted upon receipt of payment of the fine. 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 the Respondent requests a hearing with respect to the Findings 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 will become a Final Order on the thirty-first (31st) day following the date of mailing this Order. A request for hearing should be in writing addressed to Teresa L. Green, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Street, Suite 100 Oklahoma City, Oklahoma 73112. A request for hearing must state the grounds for the request to set aside or modify this Order.

Any such hearing will be conducted according to the procedures for contested cases under the Insurance Code and 75 O.S. § 250 *et seq.* If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, then this Conditional Order will act as notice of the matters to be reviewed at the hearing, and the Findings of Fact, Conclusions of Law, and

penalties imposed in this Conditional Order will be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 20th day of November, 2018.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Teresa L. Green", is written over a horizontal line.

Teresa L. Green, OBA #32897
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, OK 73112
Telephone: (405) 521-4063
Facsimile: (405) 522-0125

CERTIFICATE OF MAILING

I, Teresa L. Green, hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to be Heard* was sent by certified mail with postage prepaid and return receipt requested on this 28th day of November 2018 to:

Farmers and Merchants National Bank
P.O. Box 493
Fairview, OK 73737

CERTIFIED MAIL NO.
9214 8902 0982 7500 0149 75

and notification was sent to:

All Appointing Insurers/RIRS

and a copy was delivered to:

Licensing Division


Teresa L. Green

USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 9214890209827500014975

Remove X

Your item was delivered at 9:32 am on November 30, 2018 in FAIRVIEW, OK 73737.

Delivered

November 30, 2018 at 9:32 am
Delivered
FAIRVIEW, OK 73737

Feedback

- Return Receipt Electronic** ∨
- Tracking History** ∨
- Product Information** ∨

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

The easiest tracking number is the one you don't have to know.

Feedback

With Informed Delivery®, you never have to type in another tracking number. Sign up to:

- See images* of incoming mail.
- Automatically track the packages you're expecting.
- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions™ for your mail carrier.

Sign Up

([https://reg.usps.com/entreg/RegistrationAction_input?](https://reg.usps.com/entreg/RegistrationAction_input?app=UspsTools&appURL=https%3A%2F%2Ftools.usps.com%2Fgo%2FTrackConfirmAction%2Finput.action?origTrackNum=9214%208902%20098...))

*NOTE: Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces that are processed through USPS automated equipment.