

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**

APR 11 2019

INSURANCE COMMISSIONER,  
OKLAHOMA

STATE OF OKLAHOMA, <i>ex rel.</i> GLEN	)	
MULREADY, Insurance Commissioner,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 19-0065-DIS
	)	
TIMOTHY M. BUSCHER, a previously licensed	)	
non-resident insurance adjuster in the State of	)	
Oklahoma,	)	
	)	
Respondent.	)	

**CONDITIONAL ADMINISTRATIVE ORDER  
AND NOTICE OF RIGHT TO BE HEARD**

COMES NOW the State of Oklahoma, *ex rel.* Glen Mulready, Insurance Commissioner,  
by and through counsel, Brian C. Chandler, and alleges and states as follows:

**JURISDICTION AND AUTHORITY**

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma (“Commissioner”) and administers and enforces the Oklahoma Insurance Code, *36 Okla. Stat. Ann. §§ 101 et seq.*, including the Insurance Adjusters Licensing Act, *36 Okla. Stat. Ann. § 6201, et seq.* The Commissioner is the chief executive officer of the Oklahoma Insurance Department (“Department”). *36 Okla. Stat. Ann. § 301.*

2. The Commissioner has jurisdiction over the subject matter raised in this administrative action and may issue penalties pursuant to *36 Okla. Stat. Ann. § 6220.*

3. Respondent Timothy M. Buscher (“Respondent”) is a previously licensed non-resident insurance adjuster in the State of Oklahoma. Respondent’s mailing address of record with the Department is P.O. Box 31361, Omaha, NE 68131.

4. The Commissioner may censure, suspend, revoke, or refuse to issue or renew a license and/or may levy a civil fine up to One Thousand Dollars (\$1,000.00) for each violation of the Insurance Adjusters Licensing Act pursuant to *36 Okla. Stat. Ann. § 6220(B)*.

5. If the Respondent requests a hearing in writing in this matter, the Commissioner will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing. *Okla. Admin. Code 365:1-7-1; 36 Okla. Stat. Ann. § 319*.

6. Upon written request reasonably made by a person affected by the hearing and at such person's expense, the Commissioner shall cause a full stenographic record of the proceedings to be made by a competent court reporter. *Okla. Admin. Code 365:1-7-5*.

#### **PROPOSED FINDINGS OF FACT**

7. Respondent's non-resident insurance adjusters license with the Department expired on or about April 30, 2014.

8. Pursuant to the Department's request for information, Respondent's employer, National Liability & Fire Insurance Company, provided a list of Oklahoma claims in Respondent's inventory from May 1, 2014 to present.

9. From May 1, 2014 to present, Respondent adjusted five (5) losses and/or negotiated claim settlements within Oklahoma arising pursuant to provisions of insurance contracts on behalf of an insurer or insured without proper licensing from the Commissioner.

#### **PROPOSED CONCLUSIONS OF LAW**

10. Respondent has violated *36 Okla. Stat. Ann. § 6220(A)(9)* by adjusting losses and/or negotiating claim settlements within Oklahoma arising pursuant to provisions of insurance contracts on behalf of an insurer or insured without proper licensure from the Commissioner.

**ORDER**

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner, subject to the following paragraph, that Respondent is hereby FINED FIVE HUNDRED DOLLARS (\$500.00) for a violation of *36 Okla. Stat. Ann. § 6220(A)(9)* by adjusting five (5) losses and/or negotiating claim settlements within Oklahoma arising pursuant to provisions of insurance contracts on behalf of an insurer or insured without proper licensing from the Commissioner. The fine is to be paid within thirty (30) days of receipt of this conditional administrative order and made payable to the Oklahoma Insurance Department. Failure to pay the civil fine, or request a hearing within thirty (30) days of receipt of this conditional administrative order, may result in further administrative action.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this order is a conditional administrative order. Unless the Respondent requests a hearing with respect to the proposed findings of fact set forth above within thirty (30) days of receipt of this conditional administrative order, this conditional administrative order and the penalties set forth above shall become a final administrative order on the thirty-first (31<sup>st</sup>) day following receipt of this conditional administrative order by the Respondent. A request for hearing shall be in writing and addressed to Brian C. Chandler, Assistant General Counsel, Oklahoma Insurance Department, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing shall state the grounds for the request to set aside or modify the conditional administrative 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 Okla. Stat. Ann. §§ 101 et*

*seq.*, and the Oklahoma Administrative Procedures Act, 75 *Okla. Stat. Ann.* §§ 250 through 324. If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this conditional administrative order shall act as a notice of the matters to be reviewed at the hearing and the proposed findings of fact, proposed conclusions of law, and penalties imposed in this conditional administrative order shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 10 day of April, 2019.



GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

*Brian C. Chandler*

Brian C. Chandler OBA#31016  
Assistant General Counsel  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73112  
(405) 521-2746

**CERTIFICATE OF MAILING**

I, Brian C. Chandler, 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 via certified mail with return receipt requested and postage pre-paid on this 11<sup>th</sup> day of April, 2019 to:

Timothy M. Buscher  
P.O. Box 31361  
Omaha, NE 68131

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0196 42

and a copy was delivered to:

Courtney Khodabakhsh, Licensing Supervisor  
Licensing Division

Angel Henline, Claims Analyst  
Consumer Assistance Division

  
Brian C. Chandler

April 16, 2019

Dear Sherry Standerfer:

The following is in response to your request for proof of delivery on your item with the tracking number:  
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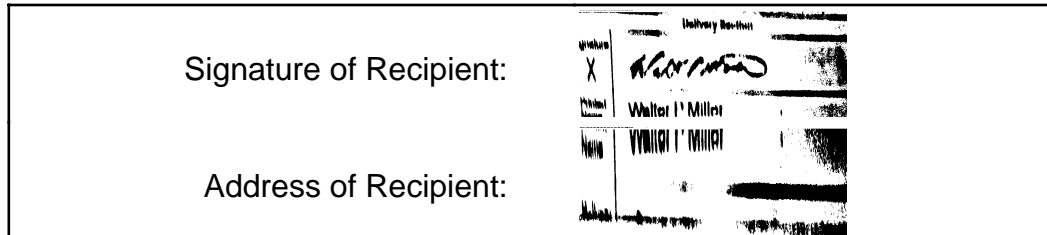
#### Item Details

<b>Status:</b>	Delivered
<b>Status Date / Time:</b>	April 15, 2019, 9:00 am
<b>Location:</b>	OMAHA, NE 68132
<b>Postal Product:</b>	First-Class Mail®
<b>Extra Services:</b>	Certified Mail™ Return Receipt Electronic
<b>Recipient Name:</b>	TIMOTHY M BUSCHER

#### Shipment Details

<b>Weight:</b>	2.0oz
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#### Recipient Signature



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