

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

MAR 25 2019

**INSURANCE COMMISSIONER
OKLAHOMA**

STATE OF OKLAHOMA, *ex rel.* GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)

vs.)

CASE NO. 19-0178-DIS

ASHLEY M. MLINARIK, an applicant for)
reinstatement of an Oklahoma non-resident insurance)
adjuster license,)
)
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. §§ 6201-6223*) 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. Ashley M. Mlinarik (“Applicant”) is an applicant for reinstatement of a non-resident insurance adjuster license in the State of Oklahoma. Applicant’s mailing address of record with the Department is 4530 Richmond Rd., Warrensville HTS, Ohio 44128.

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 occurrence of a violation of the Oklahoma Insurance Code pursuant to *36 Okla. Stat. Ann. § 6220(B)*.

5. If the Applicant 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. Applicant's Oklahoma non-resident insurance adjuster license expired on or about July 31, 2018.

8. Applicant submitted an application requesting reinstatement of her Oklahoma non-resident insurance adjuster license on March 5, 2019.

9. Applicant provided to the Department a list of twenty-three (23) insurance claims wherein Applicant adjusted losses and/or negotiated claim settlements within Oklahoma arising pursuant to provisions of insurance contracts on behalf of an insurer and/or insured from August 1, 2018 to present.

PROPOSED CONCLUSIONS OF LAW

10. Applicant 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 and/or insured without proper licensing from the Commissioner.

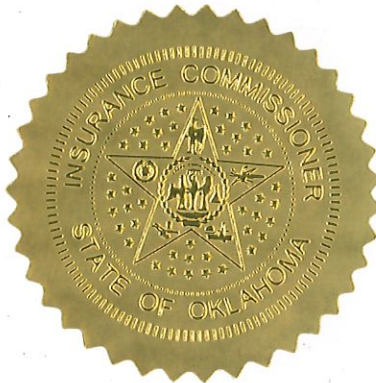
ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Applicant is hereby FINED ONE HUNDRED DOLLARS (\$100.00) for a violation of 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 and/or insured without proper licensing from the Commissioner. The civil fine is to be paid within thirty (30) days of receipt of this conditional administrative order and made payable to the Oklahoma Insurance Department. The application for reinstatement of Applicant's non-resident insurance adjuster license shall be granted upon receipt of payment of the civil fine. Failure to pay the civil fine, or request a hearing within thirty (30) days of receipt of this conditional administrative order, will result in Applicant's application for reinstatement of her Oklahoma non-resident insurance adjuster licensing being withdrawn.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this order is a conditional administrative order. Unless the Applicant 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 (31st) day following receipt of this conditional administrative order by the Applicant. A request for hearing shall be in writing and addressed to Brian C. Chandler, Assistant General Counsel, Oklahoma Insurance Department, 3625 NW 56th 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 Applicant 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 22nd day of March, 2019.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Brian C. Chandler OBA#31016
Assistant General Counsel
Oklahoma Insurance Department
3625 NW 56th 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 25th day of March 2019, to:

Ashley M. Mlinarik
4530 Richmond Dr.
Warrensville HTS, OH 44128

CERTIFIED MAIL NO. 7018 2290 0001 3296 1876

and a copy was delivered to:

Brandon Brummett, Licensing Administrator
Licensing Division



Brian C. Chandler

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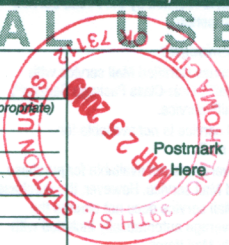
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PS Form 3800, April 2015 PSN 7530-02-000-9053

Ashley M. Mlinarik
4530 Richmond Dr.
Warrensville Hts, OH 44128
SMS/19-0178-DIS/Cond Ord



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- Attach this card to the back of the mailpiece, or on the front if space permits.

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Ashley M. Mlinarik
4530 Richmond Dr.
Warrensville Hts, OH 44128
SMS/19-0178-DIS/Cond Ord



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☐ Addressee

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OKLAHOMA INSURANCE DEPARTMENT

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APR 05 2019

Legal Division

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