

**BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA**

'FILED'

APR 12 2019

**INSURANCE COMMISSIONER
OKLAHOMA**

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

Petitioner,

v.

**REBECCA RENEE PETTITT, an applicant for
reinstatement of a resident insurance
adjuster license in the State of Oklahoma,**

Respondent.

Case No. 19-0249-DIS

**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 his attorney, Barron B. Brown, and alleges and states as follows:

JURISDICTION AND AUTHORITY

1. Glen Mulready 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 the Insurance Adjusters Licensing Act, 36 O.S. §§ 6201- 6223.

2. Rebecca Renee Pettitt ("Respondent") is an applicant for reinstatement of a resident insurance adjuster license in the State of Oklahoma.

3. Pursuant to 36 O.S. § 6220(A), the Insurance Commissioner may censure, suspend, revoke or refuse to issue or renew an adjuster license issued pursuant to the Act for any of the causes set forth in 36 O.S. § 6220(A)(1)-(16). Further, "[i]n addition to or in lieu of any applicable denial, suspension, or renovation of a license, any person

violating the provisions of the [Act] may be subject to a civil fine of not more than One Thousand Dollars (\$1,000.00) for each violation." 36 O.S. § 6220(B).

ALLEGATIONS OF FACT

1. Pursuant to 36 O.S. § 6202(3) an insurance adjuster is defined as "any person, firm, association, company, or legal entity that acts in this state for an insurer, and that investigates claims, adjusts losses, negotiates claim settlements, or performs incidental duties arising pursuant to the provisions of insurance contracts on behalf of an insurer and includes: [. . .] 'independent adjusters', meaning any insurance adjuster that suggests or presents to the insurance industry and public that said adjuster acts as an adjuster for a fee or other compensation." In addition, 36 O.S. § 6216(A) provides, among other things, that an adjuster can only investigate or report upon claims to a principal on behalf of insurers "if the adjuster is licensed as an insurance adjuster . . ."

2. On June 30, 2018, Respondent's resident insurance adjuster license in the State of Oklahoma expired. On September 13, 2018, Respondent submitted an application for reinstatement of her resident insurance adjuster license to the Oklahoma Insurance Department's Licensing Division ("OID Licensing").

3. On or about September 13, 2018, Respondent was asked by OID Licensing if she had worked any claims in the State of Oklahoma since the date that her resident insurance adjuster license had expired. Respondent did not initially respond to the September 13, 2018 inquiry and, as such, OID Licensing withdrew Respondent's reinstatement application on November 27, 2018.

4. On April 4, 2019, Respondent finally responded to OID Licensing's September 13, 2018 inquiry with an explanation letter stating, among other things, that

she had worked approximately twenty-three (23) insurance claims in the State of Oklahoma since the date her license expired on June 30, 2018. Additionally, Respondent's explanation letter included a list of the aforementioned claims. Upon receipt of Respondent's April 4, 2019 explanation letter, OID Licensing advised Respondent that she would need to submit another reinstatement application, given the previous withdrawal of her initial reinstatement application.

5. On April 8, 2019, Respondent submitted another application for reinstatement of her resident insurance adjuster license to OID Licensing.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 6220(A)(8), violation of any provision of the Insurance Adjuster Licensing Act, through a violation of 36 O.S. § 6216(A), by investigating or reporting upon claims to a principal on behalf of an insurer without being licensed as an insurance adjuster.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent is **CENSURED** and **FINED ONE HUNDRED DOLLARS (\$100.00)**. **The \$100.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$100.00 civil fine shall be paid by money order or cashier's check. Respondent's application for reinstatement of her resident insurance adjuster license may 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 the date of receipt of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first day following the date of receipt of this Order. A request for hearing should be in writing addressed to Barron B. Brown, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under Oklahoma Insurance Code (36 O.S. §§ 101 et seq.), Oklahoma Administrative Code, Title 365 – Insurance Department (O.A.C. 365:1-7-1 through 1-7-9) and the Oklahoma Administrative Procedures Act (75 O.S. §§ 308a et seq.). If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as 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 12th day of April, 2019.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


Barron B. Brown
Assistant General Counsel
Oklahoma Insurance Department
3625 NW 56th St., Suite 100
Oklahoma City, OK 73112
Telephone: (405) 521-2746

Facsimile: (405) 522-0125

CERTIFICATE OF MAILING

I, Barron B. Brown, 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 12th day of April, 2019, to:

Rebecca Renee Pettitt
P.O. Box 153
Okarche, OK 73762

CERTIFIED MAIL NO.

9214 8902 0982 7500 0196 59

and that a copy was delivered via electronic mail to:

Licensing Division



Barron B. Brown
Assistant General Counsel



Date Produced: 04/22/2019

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0196 59. Our records indicate that this item was delivered on 04/15/2019 at 03:30 p.m. in OKARCHE, OK 73762. The scanned image of the recipient information is provided below.

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J. K. PATT
J. K. PATT

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Sincerely,
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The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

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