

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
AUG 07 2019
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
)
v.)
)
KW FINANCIAL, LLC, an applicant for)
reactivation of a resident business entity)
insurance producer license in the State of)
Oklahoma,)
)
Respondent.)

Case No. 19-0486-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 Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1 through 1435.41.
2. KW Financial, LLC ("Respondent") is an applicant for reactivation of a resident business entity insurance producer license in the State of Oklahoma.
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).

ALLEGATIONS OF FACT

1. Pursuant to 36 O.S. § 1435.4(A), "[a] person shall not sell, solicit, or negotiate insurance in this state for any class or classes of insurance unless the person is licensed for that line of authority in accordance with Oklahoma Producer Licensing Act." Within that, a "Person" for purposes of the Oklahoma Producer Licensing Act "[. . .] means an individual or a business entity." 36 O.S. § 1435.2(16).

2. On June 30, 2019, Respondent's Oklahoma business entity insurance producer license expired.

3. On July 18, 2019, Respondent applied for reactivation of its business entity insurance producer license.

4. On July 19, 2019, Respondent was asked by the Oklahoma Insurance Department's Licensing Division ("OID Licensing") the following: "[h]as the business entity acted as a producer in any way by individuals selling, soliciting, negotiating, or quoting insurance in the [S]tate of Oklahoma, in the name of the business entity from the last expiration date of 06/30/2019 to the present, pursuant to Article 14A – Oklahoma Producer Licensing Act?" In response to OID Licensing's July 19th inquiry, Respondent provided a list of policies that were sold, solicited, negotiated or quoted in the State of Oklahoma post-expiration date of its license.

5. More specifically, the provided list showed that Respondent had sold, solicited, negotiated or quoted approximately five (5) policies without being properly licensed as required by 36 O.S. § 1435.4(A).

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 1435.13(A)(2), violating any insurance laws, or violating any regulation, subpoena or order of the Insurance Commissioner or of another state's Insurance Commissioner, through a violation of 36 O.S. § 1435.4(A), by selling, soliciting, or negotiating insurance in the State of Oklahoma without being properly licensed.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent is **CENSURED** and **FINED ONE HUNDRED DOLLARS (\$100.00)**. **The \$100.00 civil 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 reactivation of its resident business entity insurance producer 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 the 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 the 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 the 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 7th day of August, 2019.

GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Barron B. Brown

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 7th day of August, 2019, to:

KW Financial, LLC
8336 S Lewis Ave #505
Tulsa, OK 74137

CERTIFIED MAIL NO. 9214 8902 0982 7500 0228 71

and a copy was delivered via electronic mail to:

Licensing Division



Barron B. Brown
Assistant General Counsel



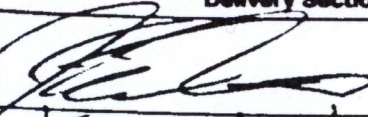
19-04820-DIS
BBB

Date Produced: 08/19/2019

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0228 71. Our records indicate that this item was delivered on 08/13/2019 at 02:24 p.m. in TULSA, OK 74133. The scanned image of the recipient information is provided below.

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Signature	
Printed Name	Kevin Wilson

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Sincerely,
United States Postal Service

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

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

KW FINANCIAL LLC
8336 S LEWIS AVE #505
TULSA OK 74137

Customer Reference Number: C1542291.8531822