

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

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
TEMPLE & SONS FUNERAL DIRECTORS,)
INC., an applicant for a prepaid funeral benefits)
permit in the State of Oklahoma,)
)
Respondent.)

Case No. 19-0602-DIS

FILED
OCT 24 2019
INSURANCE COMMISSIONER
OKLAHOMA

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

JURSDICTION AND AUTHORITY

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and, as such, is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq., including the Prepaid Funeral Benefits Act (the "Act"), 36 O.S. §§ 6121 through 6136.18.

2. Temple & Sons Funeral Directors, Inc. ("Respondent") is an applicant for a prepaid funeral benefits permit in the State of Oklahoma

3. Pursuant to 36 O.S. § 6121(A), "[i]t shall be unlawful to sell prepaid funeral benefits unless the seller holds a valid, current permit at the time the contract is made."

4. 36 O.S. § 6130(B) provides, among other things, that "[. . .] [t]he violation of any provision of Sections 6121 through 6136.18 of [the Act] shall constitute a cause for the Insurance Commissioner to issue a notice and order to show cause why the licensee shall not be censured,

have the license of the licensee suspended or revoked, be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00), or be subject to both such fine and punishment."

ALLEGATIONS OF FACT

1. Respondent previously maintained a prepaid funeral benefits permit ("prepaid permit") in the State of Oklahoma holding permit number 44199983. Its previous prepaid permit expired on December 31, 2016.

2. Respondent admitted to the Oklahoma Insurance Department ("OID") that it continued to actively sell prepaid funeral benefits in the State of Oklahoma post-expiration date of its previous prepaid permit in violation of 36 O.S. § 6121(A).

3. Respondent submitted a completed application for a new prepaid permit to the OID on October 24, 2019.

ALLEGED VIOLATIONS OF LAW

1. Respondent has violated 36 O.S. § 6121(A) by selling prepaid funeral benefits without holding a valid, current permit.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent is **FINED THREE HUNDRED DOLLARS (\$300.00)**. **The \$300.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$300.00 civil fine shall be paid by money order or cashier's check. Respondent's application for its prepaid funeral benefits permit 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 permit 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 24th day of October, 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, Oklahoma 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 *Conditional Administrative Order and Notice of Right to Be Heard* was mailed by certified mail, with postage prepaid and return receipt requested, on the 24th day of October, 2019, to:

Temple & Sons Funeral Directors, Inc.
2801 N. Kelley Ave
Oklahoma City, OK 73111

CERTIFIED MAIL NO.

9214 8902 0982 7500 0247 83

and a copy was delivered via electronic mail to:

Regulated Industry Services Division



Barron B. Brown
Assistant General Counsel



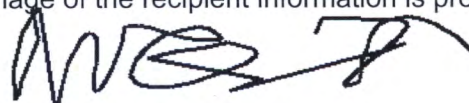
19-0602-05
BBB

Date Produced: 10/28/2019

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0247 83. Our records indicate that this item was delivered on 10/26/2019 at 10:26 a.m. in OKLAHOMA CITY, OK 73111. The scanned image of the recipient information is provided below.

Signature of Recipient :


MARK TEMPLETON

Address of Recipient :

2801 N. KELLEY

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

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:

TEMPLE & SONS FUNERAL DIRECTORS INC
2801 N KELLEY AVE
OKLAHOMA CITY OK 73111-2813

Customer Reference Number: C1701469.9597942