

FILED
OCT 17 2019
INSURANCE COMMISSIONER
OKLAHOMA

Case No. 19-0655-DIS

JURISDICTION AND AUTHORITY

3. Pursuant to 36 O.S. § 1435.13(A) and (D), 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 of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each occurrence of a violation of 36 O.S. § 1435.13(A)(1) through (A)(14).

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 January 31, 2019, Respondent's Oklahoma business entity insurance producer license expired.

3. On October 11, 2019, Respondent applied for reinstatement of its business entity insurance producer license.

4. On October 14, 2019, Respondent was asked by the Oklahoma Insurance Department's Licensing Division ("OID Licensing") the following: "[h]as the business entity (OSBORNS AAA INSURANCE INC) 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 OSBORNS AAA INSURANCE INC from the last expiration date of [1/31/19] to the present, pursuant to Article 14A – Oklahoma Producer Licensing Act?" In response to OID Licensing's October 14th 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 hundreds of insurance policies in the State of Oklahoma for a period of approximately eight and half months 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 FIVE HUNDRED DOLLARS (\$500.00)**. **The \$500.00 civil fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$500.00 civil fine shall be paid by money order or cashier's check. Respondent's application for reinstatement 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 17th 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, 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 17th day of October, 2019, to:

Osborns AAA Insurance Inc
4924 S Memorial Dr
Tulsa, OK 74145

CERTIFIED MAIL NO.

9214 8902 0982 7500 0246 39

and a copy was delivered via electronic mail to:

Licensing Division



Barron B. Brown
Assistant General Counsel



19-0655-175
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 0246 39. Our records indicate that this item was delivered on 10/21/2019 at 11:24 a.m. in TULSA, OK 74145. The scanned image of the recipient information is provided below.

Signature of Recipient :

Lester Swearingen
Lester Swearingen

Address of Recipient :

4924 S Memorial

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:

OSBORNS AAA INSURANCE INC
4924 S MEMORIAL DR
TULSA OK 74145

Customer Reference Number: C1687853.9446905