

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

FILED
NOV 25 2019
INSURANCE COMMISSIONER
OKLAHOMA

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

Petitioner,

v.

FAMILY INSURANCE, INC., an applicant for
reinstatement of a resident business entity
insurance producer license in the State of
Oklahoma,

Respondent.

Case No. 19-0726-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. Family Insurance, Inc. ("Respondent") is an applicant for reinstatement of a resident business entity insurance producer license in the State of Oklahoma.

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 October 31, 2014, Respondent's Oklahoma business entity insurance producer license expired.

3. On October 22, 2019, Respondent applied for reinstatement of its business entity insurance producer license.

4. On October 23, 2019, Respondent was asked by the Oklahoma Insurance Department's Licensing Division ("OID Licensing") the following: "[h]as the business entity (FAMILY 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 FAMILY INSURANCE, INC. from the last expiration date of [10/31/14] to the present, pursuant to Article 14A – Oklahoma Producer Licensing Act?" In response to OID Licensing's October 23rd inquiry, Respondent provided an explanation statement as well as 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 of policies showed that Respondent had sold, solicited, negotiated or quoted approximately five hundred ninety (590) insurance policies in the State of Oklahoma 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 25th day of November, 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 25th day of November, 2019, to:


Family Insurance, Inc.
455B S Wood St
Pryor, OK 74361

9214 8902 0982 7500 0256 98

CERTIFIED MAIL NO.

and a copy was delivered via electronic mail to:

Licensing Division



Barron B. Brown
Assistant General Counsel



19-0726-DIS
BBB

Date Produced: 12/02/2019

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0256 98. Our records indicate that this item was delivered on 11/27/2019 at 09:51 a.m. in PRYOR, OK 74361. The scanned image of the recipient information is provided below.

Signature of Recipient :

Stan Smith
Stan Smith

Address of Recipient :

455B S. Main

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:

FAMILY INSURANCE INC
455B S WOOD ST
PRYOR OK 74361-6043

Customer Reference Number: C1763652.10065388