

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

STATE OF OKLAHOMA, ex rel. GLEN )  
MULREADY, Insurance Commissioner, )  
 )  
Petitioner, )  
vs. )  
 )  
ROLFE FUNERAL HOME, INC, )  
Prepaid Funeral Services Permit No: 44199927 )  
 )  
Respondent. )  
 )

**FILED**  
**MAR 23 2020**  
**INSURANCE COMMISSIONER**  
**OKLAHOMA**

CASE NO. 20-0117-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 counsel, Antuanya “Bo” DeBose, and alleges and states as follows:

**JURISDICTION**

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. §§ 101-7401*, and the Prepaid Funeral Benefits Act *36 O.S. §§ 6121-6136.18*.
2. Respondent Rolfe Funeral Home, Inc (“Respondent”) is a permitted provider of Prepaid Funeral Benefit Contracts in the state of Oklahoma and holds permit number 44199927. Respondent’s address of record is 2936 Northeast 36<sup>th</sup> Street, Oklahoma City, Oklahoma 73111.
3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to *36 O.S. §§ 6123 and 6130*.
4. Pursuant to *36 O.S. § 6130(B)* the Insurance Commissioner may censure, suspend, or revoke a prepaid funeral permit or impose a fine in the amount of \$100.00 to \$1,000.00 or impose both such punishment and fine, for violating any provision of the Prepaid Funeral Benefits Act.

5. If Respondent requests a hearing in writing in this matter, pursuant to *OAC 365:1-7-1*, the Insurance Commissioner will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

6. The Insurance Commissioner, pursuant to *OAC 365:1-7-5*, upon written request reasonably made by a person affected by the hearing and at such person's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.

### **FINDINGS OF FACT**

7. Pursuant to *36 O.S. 6124(A)(3)*, all prepaid funeral permits shall expire on December 31 of the year the permit is first issued, unless renewed; permits may be renewed for a period not to exceed the succeeding December 31 upon the payment of a renewal fee of Fifty Dollars (\$50.00). Late application for renewal of a permit shall require a fee of double the renewal fee. No application for renewal of a permit shall be accepted after January 31 of each year.

8. Pursuant to *36 O.S. § 6121(A)*, it shall be unlawful to sell prepaid funeral benefits unless the seller holds a valid, current permit at the time the contract is made.

9. Respondent's prepaid funeral permit expired December 31, 2019.

10. Respondent submitted its completed application for renewal of its prepaid permit February 25, 2020.

11. Respondent failed to file an application for renewal of its prepaid funeral permit prior to December 31, 2019. Respondent also failed to file a late application for renewal by January 31, 2020.

12. Respondent continued to issue prepaid funeral contracts after its permit expired.

### **CONCLUSIONS OF LAW**

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

### **ORDER**

**IT IS THEREFORE ORDERED that Respondent is and FINED in the amount of ONE HUNDRED DOLLARS (\$100.00).** The fines are to be paid within 30 days of the date of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department, located at 400 NE 50<sup>th</sup> Street, Oklahoma City, Oklahoma 73112. Failure to comply with a proper order of the Commissioner will result in further administrative action.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that the Respondent shall honor any and all prepaid funeral contracts which were issued pursuant to *36 O.S. §6121* during the period Respondent's prepaid funeral permit was not valid.

**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 Findings of Fact set forth above within 30 days of the date of this Conditional Order, the penalties set forth above will become a Final Order on the 31<sup>st</sup> day following the date of mailing this Order. A request for hearing should be in writing and addressed to Antuanya "Bo" DeBose, Oklahoma Insurance Department, Legal Division, 400 NE 50<sup>th</sup> Street, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order and must be served on the Oklahoma Insurance Department within the 30 days allotted. The proceedings on such requested hearing will be conducted in accordance with the

Oklahoma Insurance Code, 36 O.S. §§ 101 et seq., and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 through 324. If the Respondent serves a request for hearing on the Oklahoma Insurance Department, this Conditional Order will act as a notice of the matters to be reviewed at the hearing and the Findings of Fact, Conclusions 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 23<sup>rd</sup> day of March, 2020.

GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA



/s/ Antuanya DeBose  
Antuanya "Bo" DeBose  
Assistant General Counsel  
Oklahoma Insurance Department  
400 NE 50<sup>th</sup> Street  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 521-2746  
Fax (405) 522-0125



**CERTIFICATE OF MAILING**

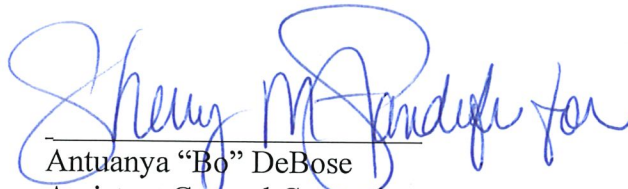
I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to Be Heard* was mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 23<sup>rd</sup> day of March, 2020, to:

Rolfe Funeral Home, Inc.  
2936 Northeast 36<sup>th</sup> Street  
Oklahoma City, Oklahoma 73111

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0281 25

and a copy was delivered to:

Licensing Division

  
Antuanya "Bo" DeBose  
Assistant General Counsel

Date Produced: 03/30/2020

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0281 25. Our records indicate that this item was delivered on 03/24/2020 at 11:13 a.m. in OKLAHOMA CITY, OK 73117. The scanned image of the recipient information is provided below.

Signature of Recipient :

RR19  
RR19

Address of Recipient :

2936 N.E. 36th  
OKLA, OK 73111

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:

ROLFE FUNERAL HOME INC  
2936 NE 36TH ST  
OKLAHOMA CITY OK 73111-5423

Customer Reference Number: C1996362.11383265

Return Reference Number: SMS/20-0117-DIS (ASD)/Cond Ord

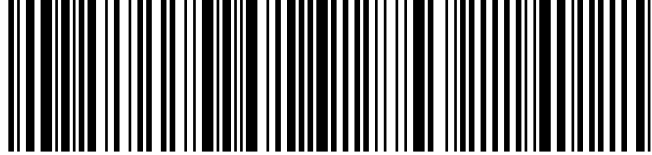
**Return address:**

OKLAHOMA INSURANCE DEPARTMENT  
5 CORPORATE PLAZA  
OKLAHOMA CITY, OK 73112

**Recipient address:**

ROLFE FUNERAL HOME INC  
2936 NE 36TH ST  
OKLAHOMA CITY OK 73111-5423

MAILING DATE: 03/23/2020  
DELIVERY DATE: 03/24/2020

**USPS CERTIFIED MAIL**

9214 8902 0982 7500 0281 25

**USPS Tracking Label Number: 9214 8902 0982 7500 0281 25**

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	OKLAHOMA CITY,OK 73105	03/23/2020 15:21
SHIPMENT RECEIVED ACCEPTANCE PENDING	OKLAHOMA CITY,OK 73118	03/23/2020 15:53
ORIGIN ACCEPTANCE	OKLAHOMA CITY,OK 73105	03/23/2020 20:21
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	03/23/2020 21:36
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	03/24/2020 04:12
ARRIVAL AT UNIT	OKLAHOMA CITY,OK 73117	03/24/2020 06:13
DEPART USPS FACILITY	OKLAHOMA CITY,OK 73107	03/24/2020 07:53
DELIVERED FRONT DESK/RECEPTION/MAIL ROOM	OKLAHOMA CITY,OK 73117	03/24/2020 11:13

CASE NUMBER: 20-0117-DIS

DEPARTMENT: LEGAL/ASD

SENDER: SMS

CUSTOM 4: CONDITIONAL ADMINISTRATIVE ORDER & NOTICE OF RIGHT TO BE HEARD