

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

AUG 13 2020

**INSURANCE COMMISSIONER
OKLAHOMA**

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
ABERNATHY-AARON FUNERAL HOME,)
a pre-paid funeral benefit permit holder in the)
State of Oklahoma,)
)
Respondent.)

Case No. 20-0317-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, Teresa L. Green, and alleges and states as follows:

JURISDICTION

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 Prepaid Funeral Services and Funeral Service Merchandise Act, *36 O.S. §§ 6121 et seq.*

2. Abernathy-Aaron Funeral Home (“Respondent”) is a pre-paid funeral benefit permit holder in the State of Oklahoma, permit number 863287. Its mailing address of record is P.O. Box 276, Crescent, OK 73028.

3. The Insurance Commissioner may censure, suspend or revoke, and/or may fine any permit holder who violates any provision of the Prepaid Funeral Services and Funeral

Service Merchandise Act a civil penalty of not less than \$100.00 and not more than \$1,000.00.
See 36 O.S. § 6130(B).

FINDINGS OF FACT

4. Pursuant to *36 O.S. § 6129.1*, each organization operating one or more prepaid funeral trusts shall have a financial examination of each trust and related prepaid funeral accounts, annually and whenever the Insurance Commissioner deems it to be prudent or necessary.

5. Starting on or about October 28, 2018, the Oklahoma Insurance Department (“OID”) performed a financial examination on Respondent.

6. Pursuant to *36 O.S. § 309.2*, any insurer or person examined shall pay the proper charges incurred in such examination.

7. On or about October 31, 2018, Regulatory Consultants, Inc. (the “Examiner”) issued invoice number 180667 to Respondent.

8. On or about November 15, 2018, the Examiner issued invoice number 180718 to Respondent.

9. On or about December 15, 2018, the Examiner issued invoice number 180737 to Respondent.

10. On or about February 15, 2019, the Examiner issued invoice number 180784 to Respondent.

11. On or about February 28, 2019, the Examiner issued invoice number 180796 to Respondent.

12. On or about March 15, 2019, the Examiner issued invoice number 180802 to Respondent.

14. On or about January 10, 2020, the Examiner issued statement number 1993 to Respondent summarizing all amounts due pursuant to the previously submitted invoices.

15. On or about June 3, 2020, the OID sent Respondent a Failure to Pay Examination Fees letter. The letter was signed for on or about June 11, 2020 by Howard Aaron.

16. On or about April 24, 2020, the OID sent Respondent a Failure to Pay Examination Fees letter. The letter was signed for on or about April 30, 2020 by Howard Aaron.

17. To date, Respondent has not paid the outstanding examination fees.

CONCLUSIONS OF LAW

18. Respondent violated *36 O.S. § 309.2* by failing to pay charges incurred for the *36 O.S. § 6129* financial examination when Respondent did not pay the invoices submitted by the Examiner.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that Respondent is **fin**ed in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** for the violations of *36 O.S. § 309.2*. The fine is to be paid within thirty (30) days of receipt of this Order.

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 thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above will become a Final Order on the thirty-first (31st) day following the date of mailing this Order. A request for hearing should be in writing addressed to Teresa L. Green, Oklahoma Insurance Department, Legal Division, 400 N.E. 50th St.,

N.E. 50th St., Oklahoma City, OK 73105. A request for hearing must state the grounds for the request to set aside or modify this Order.

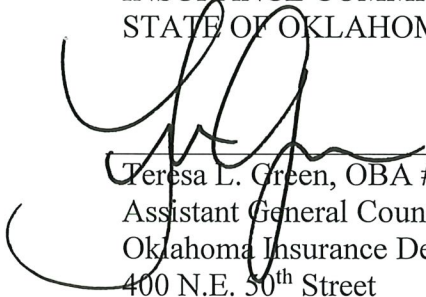
Any such hearing will be conducted according to the procedures for contested cases under the Insurance Code and 75 O.S. § 250 *et seq.* If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, then this Conditional Order will act as notice of the matters to be reviewed at the hearing, and the Findings of Fact, Conclusions of Law, and penalties imposed in this Conditional Order will be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 13th day of August, 2020.



GLEN MULREADY

INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Teresa L. Green, OBA #32897
Assistant General Counsel
Oklahoma Insurance Department
400 N.E. 50th Street
Oklahoma City, OK 73105
Telephone: (405) 521-6654
Facsimile: (405) 522-0125

CERTIFICATE OF MAILING

I, Teresa L. Green, hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to be Heard* was sent by certified mail with postage prepaid and return receipt requested on this 13th day of August, 2020, to:

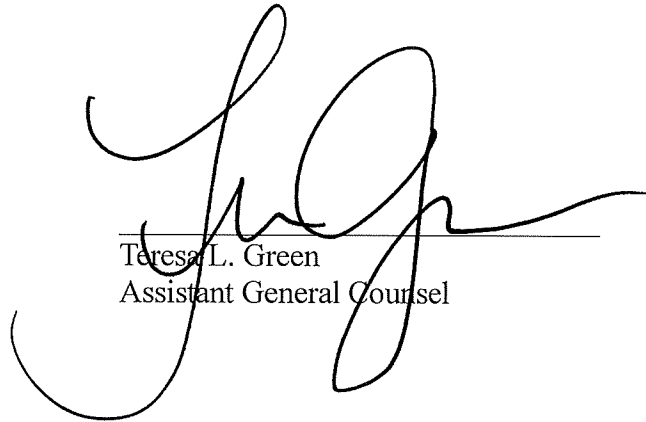
Abernathy-Aaron Funeral Home
P.O. Box 276
Crescent, OK 73028

Certified Mail Number
9214 8902 0982 7500 0306 54

and a copy was delivered to:

RIS Division

Financial Division



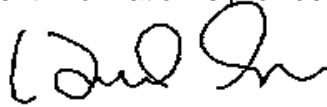
Teresa L. Green
Assistant General Counsel

Date Produced: 08/24/2020

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0306 85. Our records indicate that this item was delivered on 08/17/2020 at 08:43 a.m. in CRESCENT, OK 73028. The scanned image of the recipient information is provided below.

Signature of Recipient :




Address of Recipient :

PO BOX 276

CRESCENT, OK 73028-0276

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:

ABERNATHY-AARON FUNERAL HOME
PO BOX 276
CRESCENT OK 73028-0276

Customer Reference Number: C2214904.12589452

Return Reference Number: SMS/20-0317-DIS (TLG)/Cond Ord.



Return address:

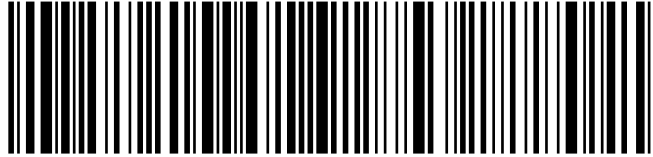
OKLAHOMA INSURANCE DEPARTMENT
5 CORPORATE PLAZA
OKLAHOMA CITY, OK 73112

Recipient address:

ABERNATHY-AARON FUNERAL HOME
PO BOX 276
CRESCENT OK 73028-0276

MAILING DATE: 08/13/2020
DELIVERY DATE: 08/17/2020

USPS CERTIFIED MAIL



9214 8902 0982 7500 0306 85

USPS Tracking Label Number: 9214 8902 0982 7500 0306 85

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	OKLAHOMA CITY,OK 73105	08/13/2020 15:41
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ORIGIN ACCEPTANCE	OKLAHOMA CITY,OK 73105	08/13/2020 18:20
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	08/13/2020 19:35
DEPART USPS FACILITY	OKLAHOMA CITY,OK 73107	08/13/2020 21:01
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AVAILABLE FOR PICKUP	CRESCENT,OK 73028	08/15/2020 08:00
DELIVERED	CRESCENT,OK 73028	08/17/2020 08:43

CASE NUMBER: 20-0317-DIS

DEPARTMENT: LEGAL/TLG

SENDER: SMS

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