

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

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

Petitioner,
v.

MICHELLE RENEE SMITH, a licensed
resident insurance producer license in the State
of Oklahoma,

Respondent.

CASE NO. 21-0300-DIS

FILED
SEP 13 2021
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 attorney, Molly K. Clinkscales, and alleges and states as follows:

JURISDICTION

1. The Insurance Commissioner of the State of Oklahoma, Glen Mulready, 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. Michelle Renee Smith (“Respondent”) is a licensed resident insurance producer in the State of Oklahoma. Her address of record is 34 Redbud Road, Shawnee, Oklahoma 74801.
3. 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 civil fine up to \$1,000.00 for each occurrence of a violation of the Oklahoma Producer Licensing Act, 36 O.S. § 1435.13(A) and (D).

FINDINGS OF FACT

1. On or about May 6, 2021, the Department Consumer Assistance Division received a complaint from Aimee Brown (Consumer Complaint for Case 89123) alleging that Respondent did not assist the consumer in an adequate or appropriate manner, resulting in hardship for the consumer.

2. On or about May 10, 2021, the Department Consumer Assistance Division sent a letter of inquiry to Respondent. To date, the Department has not received a response from Respondent.

3. After receiving no response from Respondent, on or about June 2, 2021, the Department Consumer Assistance Division sent a second letter of inquiry to Respondent. To date, the Department has not received a response from Respondent.

4. Pursuant to 36 O.S. § 1250.4(A), “[a]n insurer’s claim files shall be subject to examination by the Insurance Commissioner or by duly appointed designees.”

5. Pursuant to 36 O.S. § 1250.4(B), “[a]ny person subject to the jurisdiction of the Commissioner, upon receipt of any inquiry from the Commissioner, shall, *within twenty (20) calendar days* from the date of receipt of the inquiry, furnish the Commissioner with an adequate response to the inquiry.” (emphasis added.)

6. Pursuant to 36 O.S. § 1250.4(D), any insurer violating 36 O.S. § 1250.4 *shall* be subject to discipline, including a civil penalty up to \$5,000.00. (emphasis added.)

CONCLUSIONS OF LAW

1. Respondent violated 36 O.S. § 1250.4(B) by failing to respond to the letters of inquiry sent on May 10, 2021 and June 2, 2021 by duly appointed designees of the Insurance Commissioner regarding Consumer Complaint for Case 89123 within twenty days of receipt.

NOTICE OF RIGHT TO BE HEARD

The Insurance Commissioner may hold hearings over any matter within his jurisdiction at his own motion or by granting the written demand of a person aggrieved by an act of the Insurance Commissioner. OAC 365:1-7-1.

Respondent may request a hearing for this matter in writing pursuant to OAC 365:1-7-1. The request for hearing must specify the grounds to be relied upon as a basis for to set aside or modify this Conditional Order. If a hearing is requested, the Insurance Commissioner will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing in accordance with 36 O.S. § 319.

A request for hearing shall be in writing and addressed to Molly Clinkscales, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma, 73105. The request shall be served on the Oklahoma Insurance Department within the thirty (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. §§ 250–323. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall 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.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that the Respondent violated 36 O.S. § 1250.4(B) and as a result **Respondent is FINED** in the amount of **ONE-HUNDRED DOLLARS (\$100.00)**. **The Fine is to be paid within thirty (30) days of receipt of this Order.** The \$100.00

civil fine shall be paid by money order or cashier's check made payable to the Oklahoma Insurance Department.

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 and Conclusions of Law 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 day following the date of mailing this Order.

WITNESS My Hand and Official Seal this 10 day of September, 2021.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Molly K. Clinkscales, OBA #33862
Assistant General Counsel
400 NE 50th Street
Oklahoma City, OK 73105
Telephone: (405) 521-4036

CERTIFICATE OF MAILING

I, Molly K. Clinkscales, 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 13th day of September, 2021, to:

Michelle Renee Smith
34 Redbud Rd
Shawnee, OK 74801

9214 8902 0982 7500 0400 42

CERTIFIED MAIL NO.:

and

a copy was delivered to:

Tracee Watlee
OID Consumer Assistance Claims Division


Molly K. Clinkscales



21-0300-Dis
mke

Date Produced: 09/20/2021

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0400 42. Our records indicate that this item was delivered on 09/15/2021 at 10:41 a.m. in SHAWNEE, OK 74801. The scanned image of the recipient information is provided below.

Signature of Recipient :

[Handwritten signature]

Address of Recipient :

34 Redbud

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:

MICHELLE RENEE SMITH
34 REDBUD RD
SHAWNEE OK 74801-8765

Customer Reference Number: C2931862.16836891