

FILED  
MAR 24 2022  
INSURANCE COMMISSIONER  
OKLAHOMA

Case No. 21-0415-DIS

## **FINDINGS OF FACT**

4. On June 1, 2021, the Oklahoma Insurance Department (the “Department”) received a consumer complaint alleging wrongful denial of a claim against Markel Insurance Company, a nonresident insurance company in the State of Oklahoma. The complaint named Respondent as the adjuster working the claim.

5. Through the course of investigating the consumer complaint, the Department discovered that on or about November 30, 2018, Respondent’s nonresident adjuster license for the State of Oklahoma expired and became inactive on December 12, 2019.

6. The Department also discovered that between the approximate dates of December 2, 2019, and July 29, 2021, Respondent worked on twelve claim files in the State of Oklahoma assigned to him by Markel Insurance Company.

7. Markel Insurance Company admits that “. . . Mr. Goodman worked on approximately 12 claim files (10 closed; 2 open) in the State of Oklahoma since his license expired in December 2019. Upon being notified [by the Department] in June 2021 that Mr. Goodman’s Oklahoma adjuster license was inactive, we promptly transferred his two open Oklahoma claim files to a different adjuster with active licensure in the state.”

8. Respondent’s nonresident adjuster license for the State of Oklahoma was reactivated on or about August 2, 2021.

9. It is unlawful for any person to act as an adjuster without first obtaining a license. 36 O.S. § 6220(F).

10. Pursuant to 36 O.S. § 6220(A)(9), the Insurance Commissioner holds the authority to discipline a person for “[a]djusting losses or negotiating claim settlements arising pursuant to

provisions of insurance contracts on behalf of an insurer or insured without proper licensing from the Commissioner”.

### **CONCLUSIONS OF LAW**

11. Respondent violated 36 O.S. § 6220(F) by adjusting losses or negotiating claim settlements arising pursuant to provisions of insurance contract on behalf of an insurer or insured without proper licensing from the Commissioner when Respondent worked on twelve (12) claim files between December 2, 2019, and July 29, 2021, when his license was expired.

### **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** by the Insurance Commissioner that Respondent is hereby **FINED TWO HUNDRED DOLLARS (\$200.00)** for violation of 36 O.S. § 6220(A)(9). **The \$200.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$200.00 civil fine shall be paid by **money order or cashier's check**.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless Respondent requests a hearing with respect to the Findings of Fact set forth above within thirty (30) days of mailing of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first (31st) day following the mailing of this Order.

**WITNESS** My Hand and Official Seal this 23 day of March, 2022.



GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Molly K. Clinkscapes".

Molly K. Clinkscapes, OBA# 33862  
Assistant General Counsel  
Oklahoma Insurance Department  
400 NE 50th Street  
Oklahoma City, Oklahoma 73105  
(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 24<sup>th</sup> day of March, 2022, to:

Harvey Goodman  
c/o Markel Service, Inc.  
16100 N. 71st Street, Suite 200  
Scottsdale, Arizona 85254  
adjusterlicense@markelcorp.com  
hgoodman@markelcorp.com

**CERTIFIED MAIL NO:**  
**9214 8902 0982 7500 0449 58**

and

Markel Insurance Company - Legal & Regulatory  
c/o Barron Brown  
10275 W. Higgins Road, Suite 750  
Rosemont, IL 60018  
Barron.Brown@markel.com

**CERTIFIED MAIL NO:**  
**9214 8902 0982 7500 0449 65**

With a copy to:

OID Licensing Division



Molly K. Clinkscales  
Assistant General Counsel



21-0415 DIS  
(Goodman) mke

Date Produced: 04/04/2022

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0449 58. Our records indicate that this item was delivered on 03/28/2022 at 03:18 p.m. in SCOTTSDALE, AZ 85254. The scanned image of the recipient information is provided below.

Signature of Recipient :

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Address of Recipient :

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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:

HARVEY GOODMAN  
C/O: MARKEL SERVICE INC  
STE 200  
16100 N 71ST ST  
SCOTTSDALE AZ 85254-2897

Customer Reference Number: C3315325.19355001



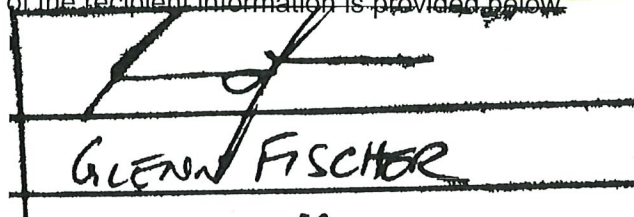
21-04/5-Dis  
(Markel Ins Co.) MKE

Date Produced: 04/11/2022

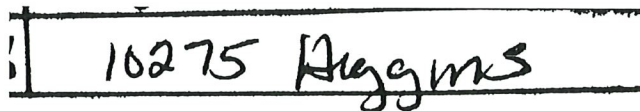
OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0449 65. Our records indicate that this item was delivered on 04/04/2022 at 02:13 p.m. in DES PLAINES, IL 60018. The scanned image of the recipient information is provided below.

Signature of Recipient :

  
GLENN FISCHER

Address of Recipient :

  
10275 Higgins

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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:

MARKEL INSURANCE COMPANY - LEGAL & REGULATORY  
C/O: BARRON BROWN  
10275 W HIGGINS RD STE 750  
ROSEMONT IL 60018-5625

Customer Reference Number: C3315325.19355000