

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
AUG 09 2022
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN MULREADY, Insurance Commissioner,)	
)	
Petitioner,)	
v.)	Case No. 22-0319-DIS
)	
PROGRAM BROKERAGE CORPORATION)	
a surplus lines broker in the state of Oklahoma,)	
)	
Respondent.)	

**AMENDED 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, Andrea M. Golden, 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*, including the Oklahoma Producer Licensing Act, *36 O.S. §1435.1 et seq.*, and the Oklahoma Unauthorized Insurers and Surplus Lines Insurance Act, *36 O.S. §1100 et seq.*
2. Respondent Program Brokerage Corporation, (“Respondent”), is a non-resident surplus lines broker holding license number 100101106. Respondent’s address of record is 200 Crossing Boulevard, Suite 110 Warwick, Rhode Island 02886. Respondent’s non-resident insurance producer license expired February 28, 2022.
3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to *36 O.S. § 1435.13(A) and (D)* and *36 O.S. § 1435.18(D)*.
4. If Respondent requests a hearing in writing in this matter, pursuant to *OAC 365:1-7-1*, the Insurance Commissioner, pursuant to *36 O.S. § 319*, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.
5. 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

6. Pursuant to 36 O.S. §1101(A), no person in Oklahoma shall in any manner represent or assist any nonadmitted insurer in the soliciting, procuring, placing, or maintenance of any nonadmitted insurance coverage upon or with relation to any subject of insurance resident, located, or to be performed in Oklahoma without being a surplus lines licensee or broker as defined in the Oklahoma Unauthorized Insurers and Surplus Lines Insurance Act.

7. Pursuant to 36 O.S. §1435.4(A), a person, including a business entity, 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 the Oklahoma Producer Licensing Act.

8. On February 28, 2022, Respondent's underlying insurance producer license authorizing the property and casualty line of authority expired. Upon expiration of its underlying producer license, Respondent's surplus lines broker license became expired.

9. Respondent submitted its 2021 first quarter report of new surplus lines policies, showing one (1) policy transaction with an effective date following its license expiration.

10. Pursuant to the provisions of 36 O.S. §1435.13:

A. 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 or may levy a civil penalty in accordance with subsection D of this section or any combination of actions, for any one or more of the following causes:

2. Violating any insurance laws, or violating any regulation, subpoena or order of the Insurance Commissioner or of another state's Insurance Commissioner.

D. In addition to or in lieu of any applicable denial, probation, censure, suspension or revocation of a license, a person may, after opportunity for hearing, be subject to a civil fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for

each occurrence. Said penalty may be enforced in the same manner in which civil judgments may be enforced.

11. Pursuant to 36 O.S. §1435.18(D), *The provisions of this section shall apply to all licenses under... the Unauthorized Insurers and Surplus Lines Insurance Act, Section 1100 et seq. of this title, the Oklahoma Producer Licensing Act, Section 1435.1 et seq. of this title....*

CONCLUSIONS OF LAW

12. Respondent violated 36 O.S. §1435.4(A) and 36 O.S. §1101(A) by soliciting, procuring, placing, or maintaining one (1) nonadmitted insurance policy to be performed in Oklahoma with an effective date following its license expiration.

ORDER

IT IS THEREFORE ORDERED that Respondent is hereby **CENSURED**. 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 this Order is an Amended Conditional Order. Unless Respondent requests a hearing with respect to the Findings of Fact set forth above within thirty (30) days of the date of this Amended Conditional Order, 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 and addressed to Andrea M. Golden, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105. 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 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 through 324. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Amended 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 Amended Conditional Order shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 9th day of August 2022.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Andrea M. Golden OBA# 33390
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
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 *Amended 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 9th day of August 2022, to:

Program Brokerage Corporation
200 Crossing Blvd.
Suite 110
Warwick, Rhode Island 02886

CERTIFIED MAIL NO:
9214 8902 0982 7500 0485 05

and a copy was delivered to:

Licensing Division &
Comptroller Division/Premium & Surplus Lines Tax Division

Andrea M. Golden
Assistant General Counsel

22-0319-DLS
AMS

Date Produced: 08/15/2022

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0485 05. Our records indicate that this item was delivered on 08/12/2022 at 09:30 a.m. in WARWICK, RI 02886. The scanned image of the recipient information is provided below.

Signature of Recipient :



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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:

PROGRAM BROKERAGE CORPORATION
STE 110
200 CROSSINGS BLVD
WARWICK RI 02886-2872

Customer Reference Number: C3607245.21341955