

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

AUG 02 2019

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
)
v.)
)
BRETT ANDREW NIXON, an applicant for)
a nonresident insurance adjuster license in the)
in the State of Oklahoma,)
)
Respondent.)

INSURANCE COMMISSIONER
OKLAHOMA

Case No. 19-0478-DEN

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, Barron B. Brown, and alleges and states as follows:

JURISDICTION AND AUTHORITY

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 the Insurance Adjusters Licensing Act, 36 O.S. §§ 6201- 6223.

2. Brett Andrew Nixon ("Respondent") is an applicant for a nonresident insurance adjuster license in the State of Oklahoma.

3. Pursuant to 36 O.S. § 6220(A), the Insurance Commissioner may censure, suspend, revoke or refuse to issue or renew an adjuster license after hearing for any of the causes set forth in 36 O.S. § 6220(A)(1)-(16). Further, "[i]n addition to or in lieu of any applicable denial, suspension, or revocation of a license, any person violating the

provisions of the [Act] may be subject to a civil fine of not more than One Thousand Dollars (\$1,000.00) for each violation." 36 O.S. § 6220(B).

ALLEGATIONS OF FACT

1. Pursuant to 36 O.S. § 6202(3) an insurance adjuster is defined as "any person, firm, association, company, or legal entity that acts in this state for an insurer, and that investigates claims, adjusts losses, negotiates claim settlements, or performs incidental duties arising pursuant to the provisions of insurance contracts on behalf of an insurer and includes: [. . .] 'independent adjusters', meaning any insurance adjuster that suggests or presents to the insurance industry and public that said adjuster acts as an adjuster for a fee or other compensation." In addition, 36 O.S. § 6216(A) provides, among other things, that an adjuster can only investigate or report upon claims to a principal on behalf of insurers "if the adjuster is licensed as an insurance adjuster . . ."

2. On December 31, 2017, Respondent's nonresident insurance adjuster license in the State of Oklahoma expired.

3. On or about June 13, 2019, Respondent notified the Oklahoma Insurance Department's Licensing Division ("OID Licensing") that he had worked insurance claims in the State of Oklahoma post-expiration date of his license.

4. On June 26, 2019, Respondent submitted a new application for a nonresident insurance adjuster license to OID Licensing.

5. In an electronic mail correspondence dated July 22, 2019, Respondent provided OID Licensing with a list of insurance claims he had worked in the State of Oklahoma since the date his license expired. More specifically, the provided list showed that Respondent had performed adjustment services on approximately twenty-four (24)

insurance claims in the State of Oklahoma without being properly licensed as required by 36 O.S. § 6216(A).

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 6220(A)(8), violation of any provision of the Insurance Adjuster Licensing Act, through a violation of 36 O.S. § 6216(A), by investigating or reporting upon claims to a principal on behalf of an insurer without being licensed as an insurance adjuster.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent is **FINED ONE HUNDRED DOLLARS (\$100.00)**. **The \$100.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$100.00 civil fine shall be paid by money order or cashier's check. Respondent's application for his nonresident insurance adjuster license may be granted upon receipt of payment of the fine and reporting of the administrative action. Failure to pay the civil fine or request a hearing within thirty (30) days will result in Respondent's license application being withdrawn.

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 Allegations of Fact set forth above within thirty (30) days of the date of receipt of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first day following the date of receipt of this Order. A request for hearing should be in writing addressed to Barron B. Brown, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100,

Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under Oklahoma Insurance Code (36 O.S. §§ 101 et seq.), Oklahoma Administrative Code, Title 365 – Insurance Department (O.A.C. 365:1-7-1 through 1-7-9) and the Oklahoma Administrative Procedures Act (75 O.S. §§ 308a et seq.). If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as notice of the matters to be reviewed at the hearing, and the Allegations of Fact, Alleged Violations 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 27th day of August, 2019.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in cursive script, reading "Barron B. Brown".

Barron B. Brown
Assistant General Counsel
Oklahoma Insurance Department
3625 NW 56th St., Suite 100
Oklahoma City, OK 73112
Telephone: (405) 521-2746
Facsimile: (405) 522-0125

CERTIFICATE OF MAILING

I, Barron B. Brown, 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 2nd day of August, 2019, to:

Brett Andrew Nixon
2715 Crossbranch Ct.
Fort Wayne, IN 46825-7141

CERTIFIED MAIL NO. 9214 8902 0982 7500 0227 96

J. Angela Ables, *Counsel for Respondent*
Kerr, Irvine, Rhodes & Ables, P.C.
201 Robert S. Kerr Ave., Suite 600
Oklahoma City, Oklahoma 73102

CERTIFIED MAIL NO. 9214 8902 0982 7500 0228 02

and a copy was delivered via electronic mail to:

aables@kiralaw.com

Licensing Division



Barron B. Brown
Assistant General Counsel