

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**  
SEP 06 2019  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN )  
MULREADY, Insurance Commissioner, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
HAAS & WILKERSON, INC., an applicant )  
for reactivation of a nonresident business entity )  
insurance producer license in the State of )  
Oklahoma, )  
 )  
Respondent. )

Case No. 19-0562-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 Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1 through 1435.41.

2. Haas & Wilkerson, Inc. ("Respondent") is an applicant for reactivation of a nonresident business entity insurance producer license in the State of Oklahoma.

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 fine up to \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code. 36 O.S. § 1435.13(A) and (D).

### **ALLEGATIONS OF FACT**

1. Pursuant to 36 O.S. § 1435.4(A), "[a] person 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 Oklahoma Producer Licensing Act." Within that, a "Person" for purposes of the Oklahoma Producer Licensing Act "[. . .] means an individual or a business entity." 36 O.S. § 1435.2(16).

2. On May 31, 2019, Respondent's nonresident business entity insurance producer license in the State of Oklahoma expired.

3. On June 13, 2019, Respondent submitted an application for reactivation of its nonresident business entity insurance producer license. On June 17, 2019, Respondent was asked by the Oklahoma Insurance Department's Licensing Division ("OID Licensing") the following: "[h]as the business entity acted as a producer in any way by individuals selling, soliciting, negotiating, or quoting insurance in the [S]tate of Oklahoma, in the name of the business entity from the last expiration date of 05/31/2019 to the present, pursuant to Article 14A – Oklahoma Producer Licensing Act?" Respondent failed to respond to OID Licensing's June 17<sup>th</sup> inquiry and its application was withdrawn on July 19, 2019.

4. On August 15, 2019, Respondent again applied for reactivation of its nonresident business entity insurance producer license.

5. Upon receipt of Respondent's August 15<sup>th</sup> reactivation application, Respondent was again asked by OID Licensing the following: "[h]as the business entity

acted as a producer in any way by individuals selling, soliciting, negotiating, or quoting insurance in the [S]tate of Oklahoma, in the name of the business entity from the last expiration date of 05/31/2019 to the present, pursuant to Article 14A – Oklahoma Producer Licensing Act?" In response to this inquiry, Respondent provided OID Licensing with a list of policies that were sold, solicited, negotiated or quoted in the State of Oklahoma post-expiration date of its license.

6. More specifically, the provided list showed that Respondent had sold, solicited, negotiated or quoted approximately fourteen (14) policies without being properly licensed as required by 36 O.S. § 1435.4(A).

#### ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 1435.13(A)(2), violating any insurance laws, or violating any regulation, subpoena or order of the Insurance Commissioner or of another state's Insurance Commissioner, through a violation of 36 O.S. § 1435.4(A), by selling, soliciting, or negotiating insurance in the State of Oklahoma without being properly licensed.

#### ORDER

**IT IS THEREFORE ORDERED** by the Insurance Commissioner that Respondent is **CENSURED** and **FINED ONE HUNDRED DOLLARS (\$100.00)**. **The \$100.00 civil 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 reactivation of its nonresident business entity insurance producer 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 56<sup>th</sup> 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 the 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 6<sup>th</sup> day of September, 2019.



GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

Barron B. Brown  
Assistant General Counsel

Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> 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 6<sup>th</sup> day of September, 2019, to:

Haas & Wilkerson, Inc.  
4300 Shawnee Mission Pkwy  
Fairway, KS 66205-2526

**CERTIFIED MAIL NO.**

9214 8902 0982 7500 0236 70

and a copy was delivered via electronic mail to:

Licensing Division



Barron B. Brown  
Assistant General Counsel