

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
vs.)
)
FIRST PROTECTIVE INSURANCE GROUP, a)
renewal applicant for a non-resident entity)
producer,)
)
Respondent.)

CASE NO. 19-0759-DIS

FILED

JAN 07 2020

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 counsel, Sandra G. LaVenue, and alleges and states as follows:

JURISDICTION AND AUTHORITY

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 et seq., including the Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1 through 1435.41.

2. First Protective Insurance Group, ("Respondent") is a renewal applicant for a non-resident entity producer license holding license number 10011142. Respondent's mailing address of record is 2501 20th Place South, Suite 300, Birmingham, AL 35223.

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 pursuant to 36 O.S. § 1435.13(A) and (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.

FINDINGS OF FACTS

5. Respondent timely submitted a renewal application for its non-resident insurance producer license on November 20, 2019, with the Oklahoma Insurance Department (“OID”). On the application form, question 2 asks the following:

Has the business entity or any owner, partner, officer or director of the business entity, or manager or member of a limited liability company, been named or involved as a party in an administrative proceeding including a FINRA sanction or arbitration proceeding regarding any professional or occupational license, or registration, which has not been previously reported to this insurance department?

To which Respondent answered “no”.

6. A background check by the OID Licensing Division showed that Respondent was a party to an administrative proceeding regarding its non-resident insurance intermediary license in the State of Wisconsin, which was finalized on September 13, 2019, and which resulted in the revocation of Respondent’s non-resident insurance intermediary license in the State of Wisconsin.

7. Respondent did not report the Wisconsin administrative action to OID until after Respondent was requested to do so and subsequent to Respondent’s renewal application.

8. Respondent did not report the Wisconsin administrative action to OID within thirty (30) days of the final disposition of the administrative case as required by 36 O.S. § 1435.18(A).

CONCLUSIONS OF LAW

9. Pursuant to 36 O.S. § 1435.18(A), a producer is required to report to the Insurance Commissioner any administrative action taken against the producer in another jurisdiction within thirty (30) days of the final disposition of the matter.

10. Respondent violated 36 O.S. § 1435.13(A)(1) by providing incorrect, misleading, incomplete or materially untrue information in the license application.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent is hereby **CENSURED** and **FINED Two Hundred and Fifty Dollars (\$250.00)** for a violation of 36 O.S. §§ 1435.18(A) and 1435.13(A)(1). **The \$250.00 fine is to be paid within thirty (30) days of receipt of this Order and made payable to the Oklahoma Insurance Department.** Respondent's application for non-resident entity insurance producer license shall be reinstated upon payment of the fine.

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 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. A request for hearing should be in writing addressed to Sandra LaVenue, Oklahoma Insurance

Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112. Additionally, the request for hearing shall state the grounds for the request to set aside or modify the Order. The request shall be served on the Oklahoma Insurance Department within the thirty (30) days allotted.

Any such hearing shall be conducted according to the procedures for contested cases under the Oklahoma Insurance Code, 36 O.S. §§ 101 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *through* 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 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 7th day of January 2020.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Sandra LaVene OBA# 13372
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112
(405) 521-2746
sandra.lavenue@oid.ok.gov

CERTIFICATE OF MAILING

I, Sandra LaVenue, 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 7th day of January 2020, to:

First Protective Insurance Group
2501 20th Place South
Suite 300
Birmingham, AL 35223

CERTIFIED MAIL NO.

9214 8902 0982 7500 0266 57

and a copy was delivered to:
Karen Wojtek
Licensing Division



Sandra LaVenue
Senior Counsel