BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

FILED
MAR 08 2024
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN MULREADY, Insurance Commissioner,	)	
Petitioner,	)	
vs.	)	
	)	**CASE NO. 23-0758-DIS**
Alexandria Renee Otani, a non-resident insurance adjuster in the State of Oklahoma,	)	
Respondent.	)	

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, Julie Reding, 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. §§ 101-7402, including the Oklahoma Insurance Adjusters Licensing Act, 36 O. S. §§ 6201-6223.

2. Alexandria Renee Otani ("Respondent") is a non-resident insurance adjuster holding license number 3002837471. Respondent's address of record is [redacted]

3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 36 O.S. §§ 6220 *et. seq.* and 36. O.S. §§ 1435.13(A) and (D).

4. Pursuant to 36 O.S. § 6220, in addition to or in lieu of any applicable denial, censure, suspension, or revocation, any person violating any provision of the Oklahoma Insurance

Adjusters Licensing Act may be subject to a civil fine of not more than One Thousand Dollars ($1,000) for each violation.

5. 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.

6. The Insurance Commissioner, pursuant to OAC 365:1-7-5, upon written request reasonably made by a person affected by the hearing and as such person's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.

ALLEGATIONS OF FACT

7. On or about October 20, 2023, an Oklahoma complainant contacted the Consumer Assistance Division of the Oklahoma Insurance Department ("OID") regarding issues relating to a home claim (OID File No. 118933/OKHO-00007852) that occurred on September 22, 2023. The insurance company holding the policy of the complainant was American Mercury Insurance Company ("American Mercury") and Alexandria Otani's ("Respondent") name was listed as the adjuster who worked the claim.

8. On or about October 27, 2023, the OID emailed American Mercury requesting the names of the producer and adjuster's full names and their respective Oklahoma license number/national producer number that worked on the claimant's policy.

9. On or about November 15, 2023, American Mercury responded that it received "new information from the independent adjuster at Clear Point Claims" but did not provide the requested names of the producer or adjuster(s) and their respective Oklahoma license/national producer license number(s) as requested in the October 27, 2023 inquiry.

10. On or about November 17, 2023, at approximately 7:47 a.m. OID again via email asked American Mercury to provide the information on Adjuster(s) who worked the claim with their Oklahoma license number and/or national producer number.

11. On or about November 17, 2023 at approximately 1:52 p.m., Doug Wilson, Tri Cities Claims Branch Manager for Mercury Insurance, responded that he was the Manager of the claim and the claim handler was Alexandria Otani. Mr. Wilson provided his Texas license number 2583422 and his non-resident Oklahoma license number, 3001057212 and said that Respondent's resident license state is Texas and provided Respondent's Texas license number as 2937440 and Respondent's nonresident Oklahoma license number as 59528248. However, the Oklahoma nonresident adjuster license for Respondent, provided by Mr. Wilson, the Claims Branch Manager for Mercury Insurance, was inaccurate and nonexistent in the National Association of Insurance Commissioners (NAIC) state database system.

12. On or about November 17, 2023, Respondent submitted an application for an Oklahoma non-resident adjuster license; the application's transaction number is 739543674.

13. On or about November 20, 2023, the OID requested that American Mercury provide a list of all claims adjusted in Oklahoma by Respondent since September 22, 2022.

14. On or about November 20, 2023, American Mercury stated the Respondent had worked one additional claim for a total of two (2) claims since September 22, 2022 and provided one claim number, OKHO-00007852.

15. On November 20, 2023, Respondent was approved as a non-resident insurance adjuster in the state of Oklahoma.

16. On or about February 5, 2024, OID again asked American Mercury to provide an expanded list of all claims worked by Respondent in Oklahoma since September 22, 2022 and include the

date, claim number and policy number.

17. On or about February 9, 2023, American Mercury provided an expanded list that included a third claim that Respondent adjusted on November 9, 2023, along with two other claims adjusted by Respondent on November 29, 2023 and January 1, 2024. In the same email, American Mercury attached a copy of Respondent's non-resident Oklahoma adjuster license, the number was a different number than had been previously provided by American Mercury in its November 17, 2023 response to OID; American Mercury indicated in this February 9, 2024 email that Respondent's nonresident adjuster license became effective November 20, 2023.

18. Pursuant to 36 O.S. § 6220(A)(9), it is a violation of the Insurance Adjusters Licensing Act for an adjuster to adjust losses or negotiate claim settlements arising pursuant to provisions of insurance contracts on behalf of an insurer or insured without proper licensing from the Commissioner and authority from the licensed insurer or the insured party.

19. Pursuant to 36 O.S. § 6220(B), in addition to any potential denial, censure, suspension, or revocation, any person violating any provision of the Oklahoma Insurance Adjusters Licensing Act may be subject to a civil fine of not more than One Thousand Dollars ($1,000.00) for each violation.

20. Pursuant to 36 O.S. § 6220(E), it is unlawful for any person, firm, association, company or corporation to act as an adjuster without first obtaining a license pursuant to the Insurance Adjusters Licensing Act.

ALLEGED CONCLUSIONS OF LAW

21. Respondent violated 36 O.S. § 6220(A)(9) and 36 O.S. § 6220(E) by adjusting three (3) claims without proper licensure from the Oklahoma Insurance Commissioner.

ORDER

IT IS THEREFORE ORDERED that Respondent is hereby **CENSURED** and **FINED Three Hundred Dollars ($300.00).** The fine is to be paid within thirty (30) days of the date of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department. The fine shall be sent to the Oklahoma Insurance Department located at 400 NE 50th Street, Oklahoma City, Oklahoma 73105. 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 a 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 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 Julie Reding, 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 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 Conditional Order shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 8th day of March 2024.

GLEN MULREADY
INSURANCE COMMISSIONER

STATE OF OKLAHOMA

Julie Reding OBA# 15522
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 *Conditional Administrative Order and Notice of Right to be Heard* was emailed and mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 8th day of March 2024 to:

CERTIFIED MAIL NO:
9214 8902 0982 7500 0607 36

Alexandria Renee Otani
[redacted]
Email: aotani@mercuryinsurance.com

and a copy was delivered to:

Consumer Affairs and

Licensing Division

Julie Reding
Assistant General Counsel