

STATE OF OKLAHOMA, ex rel. KIM )  
HOLLAND, Insurance Commissioner, )  
Petitioner, )  
)  
v. )  
)  
PATRICK LEE McANALLY, )  
Respondent. )

MAR 01 2010

Legal Division

Case No. 10-0240-DIS

**CONDITIONAL ADMINISTRATIVE ORDER AND NOTICE OF RIGHT TO BE HEARD**

COMES NOW the State of Oklahoma, ex rel. Kim Holland, Insurance Commissioner, by and through her attorney, Julie Delluomo, and alleges and states as follows:

**JURISDICTION AND AUTHORITY**

1. Kim Holland 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 Insurance Adjuster Licensing Act, 36 O.S. § 6201 et seq.

2. The Insurance Commissioner may censure, suspend, revoke or refuse to issue or renew an adjuster's license and or may levy a fine up to \$1,000.00 for each violation of the Oklahoma Insurance Code. 36 O. S. § 6219 and § 6220(A) and (B).

**ALLEGATIONS OF FACT**

1. The Oklahoma Insurance Department ("Department") received a complaint on December 7, 2009 from Casey R. Miller. Ms. Miller complained that she was involved in an automobile accident with Jeff Stone, an Unitrin insured, and that Unitrin claims personnel failed to contact her regarding settling her claim. She stated that Patrick McAnally was her casualty adjuster and had previously sent her medical forms for doctor visits.

2. The Department notified Unitrin of the complaint and ordered it to respond within twenty (20) days as required by 36 O.S. § 1250.4(B). Unitrin responded to the Department's order by letter dated December 22, 2009 through Bobby Graham, Regional APD Manager. Graham

informed the Department that Ms. Miller had retained counsel and that no settlement demand had been made by her attorney. During this time, Patrick McNally sent a letter to Miller's counsel dated December 15, 2009 making several requests to resolve the claim.

4. A routine review of the Department's records determined Patrick Lee McNally was licensed by the State of Oklahoma as a non-resident company staff adjuster on January 7, 2005. Further review determined McNally's adjuster license had expired on January 31, 2009 for failure to renew. The Adjusters Licensing Act portion of the Oklahoma Insurance Code in 36 O.S. § 6204 (A) in pertinent part states: "No person shall act or hold himself or herself out as an adjuster in this state unless the person is a licensed adjuster in this state".

5. The Department requested Unitrin provide a list of claims adjusted by Patrick McNally while employed with Unitrin. One-hundred and eighty-seven occurrences of claims were adjusted by McNally in Oklahoma on behalf of Unitrin. McNally did not possess a valid license to adjust insurance claims in the State of Oklahoma at any time during the 187 occurrences of adjusted claims on behalf of Unitrin.

#### **ALLEGED VIOLATIONS OF LAW**

Respondent violated 36 O.S. § 6220 (A) (9) and 36 O.S. § 6204 by acting or holding himself out as an adjuster in this state while unlicensed.

#### **ORDER**

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner, subject to the following paragraph, that the Respondent violated 36 O.S. § 6220(A)(9) and 36 O.S. 6204 and therefore **Respondent is CENSURED AND FINED Five Hundred Dollars (\$500.00) payable within thirty (30) days of the date of mailing.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless the 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 day following the date of mailing of this Order. Such request for hearing, if desired, shall be made in writing, addressed to Julie Delluomo, Oklahoma Insurance Department, Legal Division, Post Office Box 53408, Oklahoma City, Oklahoma 73152-3408 and must be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on any 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 et.seq.

WITNESS My Hand and Official Seal this 1 day of ~~February~~<sup>March</sup>, 2010.



KIM HOLLAND  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
Julie Delluomo  
Assistant General Counsel

**CERTIFICATE OF SERVICE**

I, Julie Delluomo, 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 postage prepaid with return receipt requested on this 1 day of ~~February~~ <sup>March</sup>, 2010 to:



**CERTIFIED MAIL: 7006 0810 0002 6163 9591**

and that a copy was delivered to:

Leah Scoles  
Producer Licensing Division

Kent Humphrey  
Consumer Assistance/Claims Division

  
\_\_\_\_\_  
Julie Delluomo