

FILED

OCT 18 2010

INSURANCE COMMISSIONER
OKLAHOMA

Case No. 10-1178-DIS

Respondent.

COMES NOW the State of Oklahoma, ex rel. Kim Holland, and alleges and states as follows:

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 36 O.S. § 1250.4.

2. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 36 O.S. §§ 619 and 1250.4.

3. The Respondent, American Home Shield of Oklahoma, Inc., is a domestic insurer, licensed in the State of Oklahoma, holding certificate of authority number 9367.

4. The Insurance Commissioner, pursuant to the provisions of 36 O.S. § 1250.4, shall levy a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for failing to furnish the Commissioner with an adequate response to an inquiry concerning a claim within twenty (20) days of its receipt by respondent.

5. If the Respondent requests a hearing in this matter, the Insurance Commissioner, pursuant to 36 O.S. § 319, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and who may preside over the hearing requested by the 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 at 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. Respondent is a licensed service warranty company in the State of Oklahoma holding license number 9367.

8. That on or about April 30, 2010, Petitioner received a request for assistance ("Complaint") on behalf of Clayton Mackey ("Mackey").

9. Subsequently, on May 18, 2010, Petitioner sent a letter to Respondent requesting a written explanation as to Respondent's position regarding Mackey's claim and stating that Respondent was required, pursuant to 36 O.S. § 1250.4(B), to respond to Petitioner. Respondent failed to respond as required by 36 O.S. § 1250.4(B).

10. On August 27, 2010, Petitioner sent a second letter to Respondent again requesting information regarding Mackey's claim. Respondent sent a response to the second letter but neglected to provide any explanation as to Respondent's failure to respond to Petitioner's May 18, 2010, inquiry.

ALLEGED VIOLATIONS OF LAW

11. Respondent failed to respond to the May 18, 2010, letter of inquiry from the Oklahoma Insurance Department within twenty (20) days of receipt in violation of 36 O.S. § 1250.4.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent violated 36 O.S. § 1250.4(B) and, pursuant to 36 O.S. § 1250.4(D), is fined in the amount of **One Hundred and no/100 Dollars (\$100.00)**. **Fine to be paid immediately and remitted to the Oklahoma Insurance Department and mailed to ATTN: Kim M. Rytter, Legal Division, 5 Corporate Plaza, 3625 N.W. 56th Street, Suite 100, Oklahoma City, OK 73112.**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent shall respond to future inquiries from the Oklahoma Insurance Department in a timely fashion pursuant to 36 O.S. § 1250.4(B).

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 a hearing, if desired, shall be made in writing, addressed to Kim M. Rytter, Oklahoma Insurance Department, Legal Division, 5 Corporate Plaza, 3625 N.W. 56th Street, Suite 100, Oklahoma City, OK 73112, 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 through 7303, and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 through 323. If the 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 18 day of October, 2010.



KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

KIM M. RYTTER, OBA# 20825
Oklahoma Insurance Department
Assistant General Counsel
P.O. Box 53408
Oklahoma City, OK 73152-3408
(405) 522-2828

CERTIFICATE OF MAILING

I, Kim M. Rytter, 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 via certified mail with postage prepaid and return receipt requested on this 18 day of October, 2010, to:

American Home Shield of Oklahoma, Inc.
Beth Hays
889 Ridge Lake Blvd.
Memphis, Tennessee 38123-7425
CERTIFIED NO. 7001 0320 0004 0178 4553

and

American Home Shield of Oklahoma, Inc.
The Corporation Company
1833 S Morgan Road
Oklahoma City, OK 73128
CERTIFIED NO. 7001 0320 0004 0178 4546

Kim M. Rytter
Assistant General Counsel