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INSURANCE COMMISSIONER
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4. The hearing was recorded electronically by employees of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

5. The following exhibits were introduced and admitted without objection:

Petitioner's Exhibit A: Initial application for public adjuster license;

Petitioner's Exhibit 3: Complaint from InsuranceBusters.net dated April 26, 2012;

Petitioner's Exhibit 4: Complaint from InsuranceBusters.net dated April 6, 2012;

Petitioner's Exhibit 5: Complaint from InsuranceBusters.net dated March 21, 2012;

Petitioner's Exhibit 6: Complaint from InsuranceBusters.net dated October 14, 2011;

Petitioner's Exhibit 7: Complaint from InsuranceBusters.net dated July 8, 2011;

Petitioner's Exhibit 9: Complaint from InsuranceBusters.net dated June 29, 2011;

Respondent's Exhibit 1: Letter from Texas Department of Insurance;

Respondent's Exhibit 2: Licensee Look-up;

Respondent's Exhibit 3: Denial letter.

6. Respondent, Brandon Cain and Jason Johnston testified under oath.

7. The Hearing Examiner heard testimony and entered the following findings of fact:

a. Respondent submitted an initial application for public adjuster in 2010 to Oklahoma disclosing his criminal history.

b. His home state of Texas did not find that a 18 U.S.C. § 1033 letter of consent was necessary due to the nature of his felony conviction for robbery.

c. The state of Missouri had investigated him for operating without a license but there had been no final adjudication.

d. No testimony was presented to the Hearing Examiner that Respondent exhibited incompetent or untrustworthy business affairs in the state of Oklahoma.

8. Respondent's application is granted on the condition that he license his public adjuster firm InsuranceBusters.net.

CONCLUSIONS OF LAW

1. These proceedings were conducted pursuant to the applicable provisions of the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq., and the Oklahoma Insurance Adjusters Licensing Act, 36 O.S. §§ 6201.

2. The Commissioner has jurisdiction to conduct this hearing as Respondent applied for renewal of a public adjuster license pursuant to 36 O.S. 6220.

3. Neither party requested a stenographic record of the proceedings but an electronic recording of the proceedings was made by an employee of the Oklahoma Insurance Department's office.

6. 36 O.S. § 6220 is discretionary as to whether a license may be issued.

ORDER

IT IS THEREFORE ORDERED that the State's denial of Respondent's application for renewal of a public adjuster license in the State of Oklahoma is overruled.

WITNESS My Hand and Official Seal this 16th day of July, 2012.



JOHN DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Leamon Freeman
LEAMON FREEMAN.

Hearing Examiner
3625 NW 56th Street, Suite 100
Oklahoma City, OK 73112

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing Final Administrative Order was mailed on this 1st day of August, 2012 to:

Stephen L. McCaleb
Derryberry & Naifeh, LLP
4800 N. Lincoln Blvd.
Oklahoma City, OK 73105-3321
Attorney for Respondent


Julie Meaders