BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.

DOAK, Insurance Commissioner,

Petitioner,

V.

Case No. 12-0430-DIS

SONNY CALVIN SPOON, a licensed
nonresident public adjuster,

Respondent.

FINAL ADMINISTRATIVE ORDER

On the 10th day of July, 2012, the above captioned case came on for hearing and was concluded on the same date. The Insurance Commissioner, John Doak, was represented by his attorney, Julie Meaders. Respondent Sonny Calvin Spoon (hereafter Respondent) was represented by his attorney, Stephen McCaleb. The Hearing Examiner, having been fully advised in the premises, finds by clear and convincing evidence as follows:

JURISDICTION AND AUTHORITY

1. The Insurance Commissioner has jurisdiction over this cause, pursuant to the provisions of the Oklahoma Insurance Adjusters Act, 36 O.S. §§ 6201 et seq.

FINDINGS OF FACT

- 1. On or about the 11th day of May, 2012, the Oklahoma Insurance Department mailed a letter to Respondent denying his application for renewal of his public adjuster license.
- 2. On or about the 11th day of June, 2012 Respondent requested an administrative hearing on the matter.
- 3. The Insurance Commissioner appointed Leamon Freeman, to hear the case as the independent Hearing Examiner.

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.

__, 2012.

JOHN DOAK

INSURANCE COMMISSIONER

STATE OF OKLAHOMA

LEAMON FREEMAN.

Hearing Examiner

3625 NW 56th Street, Suite 100

Oklahoma City, OK 73112

CERTIFICATE OF MAILING

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

Julie Meaders

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