

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
FEB 19 2014
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.
DOAK, Insurance Commissioner,

Petitioner,

vs.

BRIAN HIGGINS, a licensed insurance
producer in the State of Oklahoma,
Respondent.

CASE NO. 14-0078-DIS

AMENDED CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD

COMES NOW the State of Oklahoma, ex rel., John D. Doak, Insurance Commissioner,
by and through counsel, Barron B. Brown, and alleges and states as follows:

JURISDICTION

1. John D. Doak 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. §§ 101-7004.

2. Respondent Brian Higgins ("Respondent") is a licensed insurance producer in the State of Oklahoma holding Oklahoma license number 0040061412 and National Producer Number ("NPN") 11892852.

ALLEGATIONS OF FACT

1. On or about September 5, 2013, an inquiry letter written by Oklahoma Insurance Department ("OID") Consumer Assistance Division Senior Claims Process Reviewer Jason Johnston regarding a claim which arose under an insurance contract involving complainant Steven Schreiner was sent by the OID to Respondent. The OID file number for this matter is #41208.

2. The September 5, 2013 inquiry letter was sent to Respondent's address filed with OID and contained within the National Association of Insurance Commissioners ("NAIC") State Based Systems ("SBS") Database. The SBS-provided mailing address on record for Respondent is listed as [REDACTED]

3. The thirtieth (30th) day after the date of the inquiry was October 5, 2013.

4. As of the date of this Order Respondent has failed to provide a response to the September 5th inquiry letter.

5. On or about October 23, 2013, a follow-up inquiry letter written by Oklahoma Insurance Department ("OID") Consumer Assistance Division Senior Claims Process Reviewer Jason Johnston regarding the same claim which arose under the same insurance contract involving the same complainant Steven Schreiner was sent by the OID to Respondent. The OID file number for this matter is #41208.

6. The October 23, 2013 follow-up inquiry letter was also sent to Respondent's address filed with OID and contained within the National Association of Insurance Commissioners ("NAIC") State Based Systems ("SBS") Database. The SBS-provided mailing address on record for Respondent is listed as [REDACTED]
[REDACTED]

7. The thirtieth (30th) day after the date of the follow-up inquiry was November 22, 2013.

8. As of the date of this Order Respondent has failed to provide a response to the October 23rd follow-up inquiry letter.

9. A copy of the September 5th inquiry letter that was not timely responded to by Respondent is attached as "Exhibit A."

10. A copy of the October 23rd follow-up inquiry letter that was also not timely responded to by Respondent is attached as "Exhibit B."

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 1250.4(B); failing to furnish an adequate response to an inquiry from the Commissioner within thirty (30) days from the date of the inquiry.

ORDER

IT IS THEREFORE ORDERED that Respondent shall provide a response to the inquiry referenced above and is fined in the amount of Six Hundred Dollars (\$600.00). The response and fine are to be submitted to the Oklahoma Insurance Department within thirty (30) days of the date of this Order. The \$600.00 civil fine shall be paid by money order or cashiers check.

Respondent is further notified that they may request a hearing within 30 days of the receipt of this Order concerning this action and upon such request the Insurance Department shall conduct a hearing before an independent hearing examiner. A request for hearing shall be made in writing to Barron B. Brown, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Suite 100, Oklahoma City, Oklahoma 73112 and state the basis for requesting the hearing.

If Respondent does not request a hearing within the 30 days allotted this Order shall be a **FINAL ORDER** on the 31st day following the receipt of the Order.

WITNESS My Hand and Official Seal this 19th day of February, 2014.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Barron B. Brown
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma, 73112

CERTIFICATE OF MAILING

I, Barron B. Brown, 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 by certified mail with postage prepaid and return receipt requested on this 19th day of February, 2014, to:

Brian Higgins
Higgins Insurance Agency

CERTIFIED MAIL NO. 7001 0320 0004 4248 6508

and a copy was delivered to:

Jason Johnston
Consumer Assistance Division



Barron B. Brown
Assistant General Counsel