

**BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA**

FILED

JUN 25 2019

**INSURANCE COMMISSIONER
OKLAHOMA**

**STATE OF OKLAHOMA, ex rel. GLEN
MULREADY, Insurance Commissioner,**

Petitioner,

v.

Case No. 19-0394-DIS

**VALENTINO ANTHONY MORENO, a
licensed nonresident insurance adjuster in the
State of Oklahoma,**

Respondent.

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

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, by and through his attorney, Barron B. Brown, and alleges and states as follows:

JURISDICTION AND AUTHORITY

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and 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 Adjusters Licensing Act, 36 O.S. §§ 6201- 6223.

2. Valentino Anthony Moreno ("Respondent") is a licensed nonresident insurance adjuster in the State of Oklahoma holding license number 100191031.

3. Pursuant to 36 O.S. § 6220(A), the Insurance Commissioner may censure, suspend, revoke or refuse to issue or renew an adjuster license issued pursuant to the Act for any of the causes set forth in 36 O.S. § 6220(A)(1)-(16). Further, "[i]n addition to or in lieu of any applicable denial, suspension, or renovation of a license, any person

violating the provisions of the [Act] may be subject to a civil fine of not more than One Thousand Dollars (\$1,000.00) for each violation." 36 O.S. § 6220(B).

ALLEGATIONS OF FACT

1. Pursuant to 36 O.S. § 6202(3) an insurance adjuster is defined as "any person, firm, association, company, or legal entity that acts in this state for an insurer, and that investigates claims, adjusts losses, negotiates claim settlements, or performs incidental duties arising pursuant to the provisions of insurance contracts on behalf of an insurer and includes: [. . .] 'independent adjusters', meaning any insurance adjuster that suggests or presents to the insurance industry and public that said adjuster acts as an adjuster for a fee or other compensation." In addition, 36 O.S. § 6216(A) provides, among other things, that an adjuster can only investigate or report upon claims to a principal on behalf of insurers "if the adjuster is licensed as an insurance adjuster . . ."

2. On March 31, 2018, Respondent's nonresident insurance adjuster license in the State of Oklahoma expired. On May 28, 2019, Respondent submitted an application for reinstatement of his nonresident insurance adjuster license to the Oklahoma Insurance Department's Licensing Division ("OID Licensing").

3. Also, on May 28, 2019, the insurance carrier with whom Respondent is presently employed, Traders Insurance Company ("Traders"), submitted an email to OID Licensing which stated, among other things, that Respondent "was adjusting total loss claims in the state of Oklahoma with an expired license" and had "handled 75 Oklahoma claims for Traders Insurance Company between the dates of January 28, 2019 through May 23, 2019."

4. On May 29, 2019, Respondent's nonresident insurance adjuster license was reinstated by OID Licensing.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 6220(A)(8), violation of any provision of the Insurance Adjuster Licensing Act, through a violation of 36 O.S. § 6216(A), by investigating or reporting upon claims to a principal on behalf of an insurer without being licensed as an insurance adjuster.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent is CENSURED and FINED FIVE HUNDRED DOLLARS (\$500.00). The fine is to be paid within thirty (30) days from receipt of this Order and made payable to the Oklahoma Insurance Department. Payment may be made by either cashier's check or money order. Failure to comply with a proper order of the Insurance Commissioner may result in further administrative action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of receipt 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 receipt of this Order. A request for hearing should be in writing addressed to Barron B. Brown, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under Oklahoma Insurance Code (36 O.S. §§ 101 et seq.), Oklahoma Administrative Code, Title 365 – Insurance Department (O.A.C. 365:1-7-1 through 1-7-9) and the Oklahoma Administrative Procedures Act (75 O.S. §§ 308a et seq.). If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as 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 25th day of June, 2019.




GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

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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 25th day of June, 2019, to:

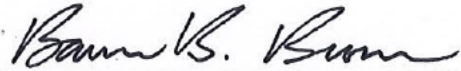
Valentino Anthony Moreno


CERTIFIED MAIL NO.

9214 8902 0982 7500 0217 20

and a copy was delivered via electronic mail to:

Licensing Division



Barron B. Brown
Assistant General Counsel