

FINDINGS OF FACT

1. On May 27, 2021, the Consumer Assistance Division of the Oklahoma Insurance Department (“OID”) received a complaint from Imperial Premium Finance Agreements (“IPFS”) stating that Respondent has not forwarded unearned premiums due to IPFS for the policies for Mark Trail dba D & M Auto Sales and Randy’s Truck and Trailer Repair (the “Insureds”).
2. On May 28, 2021, OID e-mailed a letter to Respondent regarding the complaint and requested Respondent reply to OID’s inquiry with twenty (20) calendar days from the date of receipt. The OID file number for this matter is #89329. The letter was e-mailed to KELHAMYOUTH@YAHOO.COM, Respondent’s recorded business e-mail in the State Based System (“SBS”).
3. The twentieth (20th) day after the date of the letter was June 17, 2021. Respondent failed to provide a response to the aforementioned letter on or before June 17, 2021.
4. On July 21, 2021, OID e-mailed a follow up letter to Respondent, again requesting a response. The follow up letter was also e-mailed to KELHAMYOUTH@YAHOO.COM.
5. As of the date of this Order, Respondent has failed to provide a response to the aforementioned letter(s) from OID.
6. Pursuant to *36 O.S. §1250.4(B)*, “[a]ny person subject to the jurisdiction of the Commissioner, upon receipt of any inquiry from the Commissioner shall, within twenty (20) calendar days from the date of receipt of the inquiry, furnish the Commissioner with an adequate response to the inquiry. The Commissioner may, upon good cause shown and on a case-by-case basis, extend the time allowed for a response for up to seven (7) additional calendar days. Any inquiry or response subject to this subsection shall be delivered electronically.”
7. Pursuant to *36 O.S. §1250.14*, the Insurance Commissioner may, after notice and hearing,

subject an insurer to a civil penalty of not less than one hundred dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation of the Unfair Claims Settlement Practices Act.

CONCLUSION OF LAW

1. Respondent has violated *36 O.S. §1250.4(B)* by failing to furnish an adequate response to an inquiry letter from the Commissioner within twenty (20) calendar days from the date of the inquiry.

ORDER

IT IS THEREFORE ORDERED that Respondent shall provide a response to the Oklahoma Insurance Department letters referenced above and is hereby **CENSURED** and **FINED Two Hundred Fifty Dollars (\$250.00)** for its violation. The response and fine shall be submitted within thirty (30) days of the date of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department. The fine shall be sent to the Oklahoma Insurance Department located at 400 NE 50th Street, Oklahoma City, Oklahoma 73105. Failure to comply with a proper order of the Commissioner will 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 Findings of Fact set forth above within thirty (30) days of the date of this Conditional Order, the penalties set forth above will become a Final Order on the thirty-first (31st) day following the date of mailing this Order. A request for hearing should be in writing and addressed to Andrea M. Golden, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds for the request to set aside or modify the Order and must be served on the Oklahoma Insurance Department within

the 30 days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq., and the *Oklahoma Administrative Procedures Act*, 75 O.S. §§ 250 through 324. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order will act as a notice of the matters to be reviewed at the hearing and the Findings of Fact, Conclusions 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 30th day of December 2021.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Andrea M. Golden
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
Tel. (405) 521-6695
Fax (405) 522-0125

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Conditional Order* was mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 30th day of December 2021, to:

Clear Choice Insurance Agency, Inc.
3209 N. MacArthur Blvd.
Oklahoma City, OK 73122

CERTIFIED MAIL NO:
9214 8902 0982 7500 0432 34

and a copy was delivered to:

Consumer Assistance Division

Andrea M. Golden
Assistant General Counsel