

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

STATE OF OKLAHOMA, ex rel. GLEN )  
MULREADY, Insurance Commissioner, )  
 )  
Petitioner, )  
v. )  
 )  
SUPERIOR PERFORMERS LLC, )  
an applicant for non-resident business entity )  
insurance producer in the State of Oklahoma, )  
 )  
Respondent. )

Case No. 22-0487-DIS

**FILED**  
SEP 08 2022  
INSURANCE COMMISSIONER  
OKLAHOMA

**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 counsel, Andrea M. Golden, and alleges and states as follows:

**JURISDICTION**

1. Glen Mulready 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. §§ 101-7401*, including the Oklahoma Producer Licensing Act, *36 O.S. § 1435.1 et seq.*
2. Respondent, Superior Performers LLC, (“Respondent”), is a renewal applicant for non-resident business entity insurance producer holding license number 100100537. Respondent’s address of record 1214 Turrentine Street Burlington, North Carolina 27215. Respondent’s non-resident business entity producer license expired on April 30, 2022.
3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to *36 O.S. § 1435.13(A) and (D)*.
4. Pursuant to *36 O.S. § 1435.13(D)*, in addition to or in lieu of any applicable denial, probation, censure, suspension or revocation of a license, a person may, after opportunity for hearing, be subject to a civil fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars

(\$1,000.00) for each occurrence. The penalty may be enforced in the same manner in which civil judgments may be enforced.

5. If Respondent requests a hearing in writing in this matter, pursuant to *OAC 365:1-7-1*, the Insurance Commissioner, pursuant to *36 O.S. § 319*, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

### **FINDINGS OF FACT**

6. Records of the Oklahoma Insurance Department, (“OID”), show that Respondent’s non-resident business entity insurance producer license expired on April 30, 2022.

7. Respondent applied for renewal of its license on or about June 30, 2022. On July 1, 2022, OID issued an audit letter requiring Respondent to disclose any instances of Respondent acting as an insurance producer in the State of Oklahoma since April 30, 2022.

8. On or about July 22, 2022, Respondent replied to OID’s audit letter and disclosed thirty (30) occurrences of quoting, selling, soliciting, or negotiating insurance in the State of Oklahoma between the dates of April 30, 2022, through June 29, 2022, while its license was expired.

9. Pursuant to *36 O.S. §1435.4(A)*, a person, including a business entity, “shall not sell, solicit, or negotiate insurance in this state for any class or classes of insurance unless the person is licensed for that line of authority in accordance with the Oklahoma Producer Licensing Act.”

10. Pursuant to the provisions of *36 O.S. §1435.13*:

a. The Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew a license issued pursuant to the Oklahoma Producer Licensing Act or may levy a civil penalty in accordance with subsection D of this section or any combination of actions, for any one or more of the following causes:

i. Violating any insurance laws, or violating any regulation, subpoena or order of the Insurance Commissioner or of another state's Insurance Commissioner;

- b. In addition to or in lieu of any applicable denial, probation, censure, suspension or revocation of a license, a person may, after opportunity for hearing, be subject to a civil fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each occurrence. Said penalty may be enforced in the same manner in which civil judgments may be enforced.

### **CONCLUSIONS OF LAW**

11. Respondent violated 36 O.S. §1435.4(A) and 36 O.S. §1435.13(A)(2), by conducting the insurance-related business of soliciting, or negotiating thirty (30) policies while its license was expired.

### **ORDER**

**IT IS THEREFORE ORDERED** that Respondent is hereby **CENSURED** and **FINED** Two Hundred Dollars (\$200.00). The fine shall be paid 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 50<sup>th</sup> 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 (31<sup>st</sup>) 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 50<sup>th</sup> 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 21<sup>st</sup> day of September 2022.



GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

Andrea M. Golden, OBA# 33390  
Assistant General Counsel  
Oklahoma Insurance Department  
400 NE 50<sup>th</sup> Street  
Oklahoma City, Oklahoma 73105  
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### CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to be Heard* was sent electronically and mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 8th day of September 2022, to:

Superior Performers LLC  
1214 Turrentine St.  
Burlington, NC 27215

**CERTIFIED MAIL NO:**  
**9214 8902 0982 7500 0489 70**

and a copy was delivered to:

Licensing Division



Andrea M. Golden  
Assistant General Counsel