BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN MULREADY, Insurance Commissioner, Petitioner, vs. **Janice Charlene Scharf**, an applicant for a nonresident adjuster license, Respondent.	)	Case No. 23-0359-DIS

FILED

MAR 22 2024

INSURANCE COMMISSIONER
OKLAHOMA

CONSENT ORDER

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, and the Respondent, Janice Charlene Scharf ("Respondent") stipulate to the following facts and applicable laws. The parties consent to entry of this Consent Order.

JURISDICTION

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. §§ 101–7402, including the Oklahoma Insurance Adjusters Licensing Act, 36 O.S. §§ 6201–6223.

2. Janice Charlene Scharf, ("Respondent") holds an expired nonresident adjuster license number 40154904. Respondent's mailing address of record is [redacted].

3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 36 O.S. § 6220.

4. Informal disposition of this matter may be made by consent order pursuant to 75 O.S. § 309(E).

STIPULATIONS OF FACT

5. On or about November 30, 2022, Respondent's nonresident adjuster license for the State of Oklahoma expired.

6. On or about April 11, 2023, Respondent submitted an application to renew her nonresident adjuster license.

7. From approximately November 30, 2022 to April 11, 2023, Respondent adjusted eight-eight (88) claims while Respondent's license was expired.

8. Respondent provided a list acknowledging eighty-eight (88) claims were adjusted by Respondent while her license was expired.

9. Pursuant to 36 O.S. § 6220(A)(9) it is a violation of the Adjuster Licensing Act for an adjuster to "adjust losses or negotiate claim settlements arising pursuant to provisions of insurance contracts on behalf of an insurer or the insured party without proper licensing from the Commissioner and authority from the licensed insurer or the insured party."

10. Pursuant to 36 O.S. § 6220(A)-(B), in addition to any potential denial, censure, suspension or revocation, the Insurance Commissioner may subject any person violating the provisions of the Insurance Adjusters Licensing Act to civil fines of not more than One Thousand Dollars ($1,000.00) for each violation.

CONCLUSIONS OF LAW

1. Respondent violated 36 O.S. § 6220(A)(9) by adjusting losses or negotiating claim settlements arising pursuant to provisions of insurance contract on behalf of an insurer or insured without proper licensing from the Commissioner when Respondent adjusted eighty-eight (88) claims from November 30, 2022 to April 11, 2023 without an active adjuster license from the Oklahoma Insurance Commissioner.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner and **CONSENTED** to by the Respondent that Respondent is hereby **FINED** in the amount of **THREE HUNDRED DOLLARS ($300.00)** for violations of 36 O.S. § 6220(A)(9). The fine shall be paid within thirty (30) days of the date of this order and made payable to the Oklahoma Insurance Department. The civil fine shall be paid by money order or cashier's check and shall be sent to the Oklahoma Insurance Department located at 400 N.E. 50th Street, Oklahoma City, Oklahoma 73105. Failure to comply with a proper order of the Commissioner will result in further administrative action.

IT IS ORDERED, ADJUDGED, AND DECREED by the Commissioner and agreed to by Respondent that this Consent Order is a **FINAL ADMINISTRATIVE ORDER** by adopting the Findings of Fact, Conclusions of Law, and penalties imposed herein as final.

IT IS ORDERED, ADJUDGED, AND DECREED by the Commissioner and agreed to by Respondent that Respondent **WAIVES** her right to a Hearing, of her own free and voluntary act, relying solely upon the advice of counsel of her own choosing and with full knowledge of her right to personally appear before an administrative law judge to present evidence, whether written or verbal, on her own behalf and in her own defense.

WITNESS My Hand and Official Seal this 22nd day of March 2024.

GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Brian Downs
First Deputy Commissioner and
Chief of Staff
Oklahoma Insurance Department

AGREED:

Julie Reding, OBA No. 15522
Assistant General Counsel
Oklahoma Insurance Department

Stephen McCaleb, OBA No. 15649
Attorney for Respondent

CERTIFICATE OF MAILING

I, Julie Reding, hereby certify that a true and correct copy of the above and foregoing *Consent Order* was mailed by first class U.S. Mail and by certified mail, with postage prepaid and return receipt requested, on this 29th day of March 2024 to:

Janice Charlene Scharf
[redacted]

CERTIFIED MAIL NO.
9214 8902 0982 7500 0614 29

Stephen McCaleb, OBA No. 15649
Odom & Sparks, PLLC
Suite 140
Hipoint Office Building
2500 McGee Drive
Norman, OK 73072

CERTIFIED MAIL NO.
9214 8902 0982 7500 0614 36

and a copy was delivered to:

Licensing Division

Julie Reding

Julie Reding, OBA No. 15522
Assistant General Counsel