

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
vs.)
)
ALBRIGHT INS AGENCY INC, a business)
entity licensed as a resident insurance producer in)
the State of Oklahoma,)
)
Respondent.)

CASE NO. 23-0420-DIS

FILED
JUL 13 2023
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, Antuanya “Bo” DeBose, 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. Albright Ins Agency Inc (“Respondent”) holding license number 100103053, is licensed by the State of Oklahoma as a business entity acting as an insurance producer. Respondent’s address of record is PO Box 1147, Ponca City, Oklahoma 74602.
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. On or about May 1, 2023, the Consumer Assistance Division of the Oklahoma Insurance Department (“OID”) received a complaint from an insured. The complaint stated the insured called Respondent in June 2022 to add a new rental property to their policy. After initially speaking to Respondent, the insured called back several times to check the status of the policy change and did not receive a response. The file number for the complaint is 116054.

7. While investigating this complaint, OID discovered Respondent’s business entity resident producer license expired 03/31/2021.

8. On May 18, 2023, OID emailed a letter to Respondent and requested a response within twenty (20) days of receipt. The letter was emailed to cody.smith@lia-ks.com and speck@albrightagency.com, the recorded company contact in the state-based system. No response was received.

9. On or about June 8, 2023, another letter was emailed to the Respondent and a response was requested within twenty (20) days of receipt. The letter was emailed to cody.smith@lia-ks.com.

10. As of the date of this Order, Respondent has failed to submit a response to the May 18, 2023 and June 8, 2023 request(s) from OID.

11. A copy of the aforementioned letters are attached as "*Petitioner's Exhibit A*" and "*Petitioner's Exhibit B*."

12. Pursuant to 36 O.S. §1250.4(B), any 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.

13. Pursuant to 36 O.S. §1435.13(A)(15), 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 or any combination of actions, for failing to respond to an inquiry from the Department as required by 36 O.S. §1250.4.

14. Pursuant to 36 O.S. §1435.8(F), licensees shall inform by any means acceptable to the Insurance Commissioner of a change of legal name, address, or e-mail address within thirty (30) days of the change to permit the Insurance Commissioner to give proper notice to licensees. A change in legal name or address submitted more than thirty (30) days after the change must include an administrative fee of Fifty Dollars (\$50.00). Failure to provide acceptable notification of a change of legal name or address to the Insurance Commissioner within forty-five (45) days of the date the administrative fee is assessed shall result in penalties pursuant to Section 1435.13 of this title.

15. Pursuant to 36 O.S. 1435.4(A), it is a violation of the Oklahoma Producer Licensing Act to 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.

16. Pursuant to 36 O.S. §1435.13(C), the license of a business entity may be suspended, revoked or refused if the Insurance Commissioner finds, after opportunity for hearing, that an individual licensee's violation was known or should have been known by one or more of the partners, officers or managers acting on behalf of the partnership or corporation and the violation was neither reported to the Insurance Commissioner nor corrective action taken.

17. Pursuant to 36 O.S. §1435.7(B), a business entity acting as an insurance producer is required to obtain an insurance producer license. Application shall be made using the Uniform Business Entity Application or an application approved by the Commissioner.

CONCLUSIONS OF LAW

18. Respondent has violated 36 O.S. §1250.4(B) by failing to furnish an adequate response to two (2) inquiry letters from the Commissioner within twenty (20) calendar days from the date of the inquiry.

19. Respondent has violated 36 O.S. §1435.4(A) and 36 O.S. §1435.13(A)(2) by negotiating insurance in this state while not being licensed for the appropriate line of authority in accordance with the Oklahoma Producer Licensing Act.

ORDER

IT IS THEREFORE ORDERED that Respondent is hereby **CENSURED** and **FINED** One Thousand Five Hundred Dollars (**\$1,500.00**). 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 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 that Respondent shall provide a response to the Oklahoma Insurance Department letters referenced above. The response shall be submitted to the Oklahoma Insurance Department within thirty (30) days of the date of this Conditional Administrative Order. The fine shall be made payable to the Oklahoma Insurance Department and 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 31st day following the date of mailing this Order. A request for hearing should be in writing and addressed to Antuanya "Bo" DeBose, 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 thirty

(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 13th day of July 2023.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Antuany DeBose

Antuany "Bo" DeBose
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
Tel. (405) 522-4805
Fax (405) 522-0125
Bo.debose@oid.ok.gov

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 13th day of July, 2023, to:

Albright Ins Agency Inc
PO Box 1147
Ponca City, Oklahoma 74602
Cody.smith@lia-ks.com
speck@albrightagency.com

CERTIFIED MAIL NO:
9214 8902 0982 7500 0557 94

and a copy was delivered to: Licensing Division

Antuany DeBose

Antuany "Bo" DeBose

David Kalbert

From: David Kalbert
Sent: Thursday, May 18, 2023 11:05 AM
To: cody.smith@lia-ks.com; speck@albrightagency.com
Cc: David Kalbert
Subject: OID File 116054
Attachments: 116054 200 Albright.pdf

Good day,

Please see the attached file and IMMEDIATELY provide a response to me acknowledging you are in receipt of this Oklahoma Insurance Department's Request for Assistance.

Regards,

David Kalbert

Property & Casualty Analyst II



Consumer Assistance
400 NE 50th Street
Oklahoma City, Oklahoma 73105
405.521.2991 phone
www.oid.ok.gov/consumers

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**OKLAHOMA
INSURANCE
DEPARTMENT**

Insurance Commissioner, Glen Mulready

400 N.E. 50 Street
Oklahoma City, OK 73105

L 405 521-2928
E cldk@ok.gov

05/18/2023

ALBRIGHT INS AGENCY INC
314 N 5TH ST
PONCA CITY, Oklahoma 74601

RE: Jacquelyn Dezort, POLICY NUMBER BND0008681
OID FILE NUMBER: 116054

To whom it may concern:

Please reference the enclosed copy of a Request for Assistance the Oklahoma Insurance Department (OID) has received from the above named inquirer/complainant. Please review this correspondence and advise our office of your position. We ask that you use the above file number on all correspondence concerning this inquiry.

Section 1250.4 (B) of the Oklahoma Insurance Code requires that your company provide the OID with an adequate written explanation regarding the position and determination taken in this matter. Further, any inquiry or response shall be delivered electronically and must be received by this office no later than twenty (20) calendar days from the date of receipt of this letter.

Your response must include the full name of the insuring company and the corresponding NAIC company code, as well as the producer and adjuster's full name and their Oklahoma license number/National Producer Number (NPN). This will ensure that we associate the record of the complaint with the appropriate entity. We also request that you provide a copy of the policy in question, and further request that you provide a specific contact person who will be handling this matter, their direct telephone number and e-mail address.

Thank you in advance for your assistance and your timely response. This department looks forward to working with you in resolving the insurance problems of this consumer.

Sincerely,

A handwritten signature in black ink, appearing to read "David Kalbert", written over a horizontal line.

David Kalbert
Property & Casualty Analyst
Consumer Assistance/Claims Division
david.kalbert@oid.ok.gov
(405) 521-2991 Fax: (405) 521-6652

Enclosure

David Kalbert

From: David Kalbert
Sent: Thursday, June 8, 2023 4:23 PM
To: cody.smith@lia-ks.com
Cc: David Kalbert
Subject: OID File 116054 Immediate Response Needed
Attachments: 116054 80 Albright.pdf

Greetings,

Please see the attached file and IMMEDIATELY provide a response

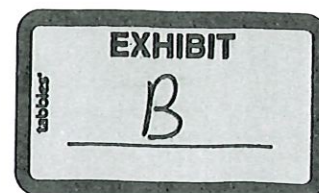
Regards,

David Kalbert

Property & Casualty Analyst II



Consumer Assistance
400 NE 50th Street
Oklahoma City, Oklahoma 73105
405.521.2991 phone
www.oid.ok.gov/consumers
Follow us on: [Facebook](#) | [Twitter](#) | [Instagram](#) | [Linkedin](#)



**OKLAHOMA
INSURANCE
DEPARTMENT**

Insurance Commissioner, Glen Mulready

400 N.E. 50th Street
Oklahoma City, OK 73105

L 405.521.2020
E eldek@ok.gov

June 08, 2023

ALBRIGHT INS AGENCY INC
314 N 5TH ST
PONCA CITY, Oklahoma 74601

RE: Jacquelyn Dezort
OID FILE NUMBER: 116054

To whom it may concern:

This letter is in reference to our recent inquiry regarding the captioned matter, a copy of which is attached for your easy reference.

Our files indicate that we have not received a reply to our inquiry. Please be advised that failure to furnish the Insurance Department with an adequate response to any inquiry within twenty (20) calendar days of receipt of the inquiry constitutes violation of 36 O.S. Section 1250.4.

Please give this matter your immediate attention and forward your reply so this office can evaluate your position and reply to the complainant.

Regards,

A handwritten signature in black ink, appearing to read "David Kalbert", written over a horizontal line.

David Kalbert
Consumer Assistance/Claims Division
david.kalbert@oid.ok.gov
(405) 521-2991 Fax: (405) 521-6652

Enclosure