BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

FILED
MAR 14 2024
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. **GLEN MULREADY**, Insurance Commissioner, Petitioner, v. **UPS CAPITAL INS AGENCY, INC.**, a reapplicant for a nonresident insurance adjuster license Respondent.	)	Case No. 23-0759-DIS

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, Julie Reding, and alleges and states as follows:

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. UPS Capital Ins. Agency, Inc., a business entity, ("Respondent") holds an inactive non-resident insurance adjuster license number of 100104992. Respondent's mailing address of record is 35 Glenlake Parkway, N.E., Suite 320, Atlanta, GA 30328.

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. Pursuant to 36 O.S. § 6220(A) & (B), in addition to or in lieu of any applicable denial, probation, censure, suspension or revocation of or refusal to issue or renew a license, the Insurance Commissioner may levy a fine up to $1,000.00 for each violation of the Oklahoma Insurance Adjusters Licensing Act.

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.

6. The Insurance Commissioner, pursuant to OAC 365:1-7-5, upon written request reasonably made by a person affected by the hearing and at such person's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.

FINDINGS OF FACT

1. On or about February 28, 2022, Respondent's nonresident insurance adjuster license expired.

2. On or about November 13, 2023, Respondent applied to reactivate its non-resident adjuster license.

3. On or about November 14, 2023, the Oklahoma Insurance Department Licensing Division (OID) issued an audit letter to Respondent requiring respondent to disclose a list of any and all claims Respondent had adjusted in the State of Oklahoma since February 28, 2022.

4. On or about November 28, 2023, Respondent acknowledged it had adjusted eight hundred sixty-three (863) claims in the State of Oklahoma between the dates of March 1, 2022 and November 13, 2023 while Respondent's license was inactive. Respondent's response did

not include claims, if any, on February 28, 2022 or November 14, 2023 as requested in the initial audit letter.

5. Pursuant to 36 O.S. § 6620(A)(9), it is a violation of the Adjuster Licensing Act for any 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."

6. Pursuant to 36 O.S. § 6220(A)&(B), in addition to any potential denial, censure, suspension or revocation or refusal to issue or renew a license, 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

7. Respondent violated 36 O.S. § 6220(A)(9) by adjusting losses or negotiating claim settlements arising pursuant to provisions of insurance contracts on behalf of an insurer or insured without proper licensing from the Insurance Commissioner when Respondent adjusted eight hundred sixty-three claims in Oklahoma from February 28, 2022 through November 13, 2023 without an active license from the Oklahoma Insurance Commissioner.

ORDER

IT IS THEREFORE ORDERED that Respondent is hereby **CENSURED** and **FINED FOUR THOUSAND THREE HUNDRED FIFTEEN DOLLARS ($4,315.00).** 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, in the form of a money order or check, 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 the Respondent requests a hearing with respect to the Findings of Fact set forth above within thirty (30) days of the date of mailing of this 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 addressed to Julie Reding, Oklahoma Insurance Department, Legal Division, 400 NE 50th St. 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. §§ 101–7402, and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250–324. 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 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 14th day of March 2024

GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Julie Reding

Julie Reding, OBA No. 15522
Assistant General Counsel
400 N.E. 50th St.
Oklahoma City, OK 73105
Tel.: 405-521-2746

CERTIFICATE OF MAILING

I, Julie Reding, 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 by email and certified mail with postage prepaid with a return receipt requested on this 14th day of March 2024 to:

UPS Capital Ins Agency, Inc.
35 Glenlake Parkway, N.E.
Suite 320
Atlanta, GA 30328
EMAIL: upsclegal@ups.com

CERTIFIED MAIL NO:
9214 8902 0982 7500 0609 27

and

that a copy was delivered to:

Licensing Division

Julie Reding

Julie Reding
OBA No. 15522