

FILED

FEB 15 2024

INSURANCE COMMISSIONER
OKLAHOMA

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

**STATE OF OKLAHOMA, ex rel. GLEN
MULREADY, Insurance Commissioner,**

Petitioner,

v.

CASUALTY CORPORATION OF AMERICA, INC.
a domestic insurance company,

Respondent.

Case No. 24-0021-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 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 Unfair Claims Settlement Practices Act, 36 O.S. §1250.1 et seq..
2. Casualty Corporation of America, Inc. (“Respondent”), is an insurance company, holding NAIC Cocode 10537, authorized to write property and casualty insurance in the State of Oklahoma. Respondent’s address of record is PO Box 1120, Jones, Oklahoma 73049-1120.
3. If Respondent requests a hearing in writing 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

1. On or about December 7, 2023, the Oklahoma Insurance Department's Consumer Assistance Division ("OID") received a complaint from Jose Alas ("Complainant") stating Respondent refused to resolve his claim. The OID file number for this complaint is 119624.
2. The OID emailed a letter to Respondent and requested a response within twenty (20) days of receipt.
3. On or about December 28, 2023, Respondent replied to OID. In the response, Respondent stated the Complainant filed a claim on or about July 31, 2023.
4. On August 2, 2023, Respondent requested an estimate of damages be made on the Complainant's property. On October 27, 2023 Respondent received the estimate for damages related to the Complainant's property.
5. Respondent did not issue payment for the Complainant's claim until on or about December 4, 2023, which was approximately one hundred twenty seven (127) days after initial notification of the claim.
6. Pursuant to 36 O.S. § 1250.7(C), every property and casualty insurer shall complete investigation of a claim within sixty (60) days after notification of proof of loss unless such investigation cannot reasonably be completed within such time. If such investigation cannot be completed, or if a property and casualty insurer needs more time to determine whether a claim should be accepted or denied, it shall so notify the claimant within sixty (60) days after receipt of the proofs of loss, giving reasons why more time is needed. If the investigation remains incomplete, a property and casualty insurer shall, within sixty (60) days from the date of the initial notification, send to such claimant a letter setting forth the reasons additional time is needed for investigation. Except for an investigation of possible fraud or arson which is supported by specific

information giving a reasonable basis for the investigation, the time for investigation shall not exceed one hundred twenty (120) days after receipt of proof of loss . . .”

7. Respondent failed to complete the investigation of the Complainant’s claim within one hundred twenty (120) days and failed to send a letter to Mr. Alas setting forth the reasons additional time was needed for investigation.

8. Pursuant to 36 O.S. §1250.14, “For any violation of the Unfair Claims Settlement Practices Act, 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 occurrence...”

CONCLUSIONS OF LAW

9. Respondent has violated 36 O.S. §1250.7(C) by failing to complete the investigation of the Complainant’s claim within one hundred twenty (120) days and failed to send a letter to the Complainant setting forth the reasons additional time was needed for investigation.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that the Respondent is **FINED** in the amount of **Five Hundred Dollars (\$500.00)**. The fine shall be submitted to the Oklahoma Insurance Department within thirty (30) days of the date of this Conditional Administrative Order and 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 15th day of February 2024.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Antuanya “Bo” DeBose, #32765
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 15th day of February 2024, to:

Casualty Corporation of America, Inc.
PO Box 1120
Jones, Oklahoma 73049-1120
bdean@casualtycorp.com
trey@casualtycorp.com

CERTIFIED MAIL NO:
9214 8902 0982 7500 0601 49

Dean & Associates, P.C.
Attn: Bill V. Dean, Jr.
110 West Main Street
P.O. Box 1060
Jones, Oklahoma 73049-1060
bdean@deannet.com

CERTIFIED MAIL NO:
9214 8902 0982 7500 0601 56

and a copy was delivered to:

Consumer Assistance Division



Antuanya "Bo" DeBose