

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

**FILED**  
JUN 20 2024  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. )  
GLEN MULREADY, Insurance Commissioner, )  
 )  
    **Petitioner,** )  
v. )  
 )  
PHYLLIP MERISIER, a licensed nonresident )  
insurance adjuster )  
 )  
 )  
    **Respondent.** )

Case No. 24-0104-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. Phyllip Merisier, (“Respondent”) is a non-resident insurance adjuster license and holds license number 3003122912 and National Producer Number (NPN) 19408730. 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. 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**

7. On or about January 31, 2024, the Oklahoma Insurance Department, Consumer Assistance Division, ("OID") received a request from a complainant seeking assistance for a November 15, 2023 claim loss filed with Integon Indemnity Corporation, National General, an Allstate company, for whom Respondent adjusted claims. Integon Indemnity Corporation holds NAIC license number 22772 and State Based Systems (SBS) number 44194659. Integon Indemnity Corporation indicates on its company letter head that it is also known as National General, an Allstate company.

8. On or about February 20, 2024, in the course of investigating the consumer complaint, OID asked Integon Indemnity Corporation ("Integon") to verify and provide adjuster names and Oklahoma license numbers regarding complainant's November 15, 2023 claim loss. In addition, OID requested that Integon provide a list of all claims worked or worked on by

Respondent.

9. On or about February 19, 2024, Respondent submitted an application for a nonresident adjuster license (transaction number 747130225).

10. On or about February 21, 2024, Integon identified Respondent as the adjuster working on complainant's claim and acknowledged that Respondent did not have a valid Oklahoma adjuster license. Initially, Integon disclosed and acknowledged that Respondent adjusted three (3) claims without a valid Oklahoma non-resident adjuster license.

11. On or about April 12, 2024, OID requested that Integon Indemnity Corporation clarify the number of claims Respondent worked on in Oklahoma since November 15, 2023 and any other claims Respondent worked on since being appointed with Integon Indemnity Corporation.

12. On or about April 17, 2023, Integon acknowledged and disclosed that Respondent was employed by the company effective September 12, 2022 and had been assigned and adjusted fifteen (15) claims between September 12, 2022 to November 15, 2023 and thirteen (13) claims since November 15, 2023 for a total of twenty-eight (28) claims.

13. On or about May 23, 2024, OID asked Integon to provide the claim numbers, dates of the claims and name on the claim that Respondent worked.

14. On or about May 28, 2023, Integon disclosed and provided a list of forty-four (44) claims that Respondent had adjusted between the dates of March 16, 2023 to March 14, 2024. The May 28<sup>th</sup> response from Integon disclosed and acknowledged a list of twenty-one (21) claims between the dates of March 16, 2023 to November 15, 2023.

15. On or about May 31, 2024, OID asked Integon a third time to clarify the number of claims Respondent had worked on since September 12, 2022 and to indicate the date and year



of the claim, claim number, date of loss and name on the claim.

16. On or about June 3, 2024, Respondent's Oklahoma non-resident adjuster license application was approved and his license became effective.

17. On or about June 18, 2024, OID received a revised list of all claims adjusted by Respondent since his employment with Integon on September 12, 2022.

18. Integon provided a list of forty-four (44) claims and acknowledged and stated that Respondent had only worked on twenty-eight (28) claims during the years 2023 and 2024 and in fact, Respondent did not work on any claims in 2022, which Integon had previously reported.

19. 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."

20. 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**

21. 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 twenty-eight (28) claims in Oklahoma without a valid license from the Oklahoma Insurance Commissioner.

## **ORDER**

**IT IS THEREFORE ORDERED** that Respondent is hereby **CENSURED** and **FINED THREE HUNDRED DOLLARS (\$300.00)**. 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 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.

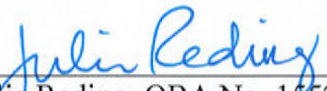
**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Findings of Fact set forth above within thirty (30) days of the date of mailing of this Order, the penalties set forth above will become a Final Order on the thirty-first (31<sup>st</sup>) 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 50<sup>th</sup> 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 20<sup>th</sup> day of June 2024.



GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
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Julie Reding, OBA No. 15522  
Assistant General Counsel  
400 N.E. 50<sup>th</sup> 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 20<sup>th</sup> day of June 2024 to:

Phyllip Merisier  
[REDACTED]

CERTIFIED MAIL NO.  
9214 8902 0982 7500 0637 51

EMAIL: [Phyllip.Merisier@NGIC.com](mailto:Phyllip.Merisier@NGIC.com)

and

that a copy was delivered to:

Consumer Affairs and

Licensing Division

Julie Reding  
Julie Reding