

FILED
SEP 29 2026
INSURANCE COMMISSIONER
OKLAHOMA

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

IN RE: HEARING PURSUANT TO 36 O.S.)
§ 984 AS TO WHETHER THE OKLAHOMA) CASE NO. 26-0820-TRN
HOMEOWNERS INSURANCE MARKET)
IS NONCOMPETITIVE)

**JOINT OBJECTION OF THE OKLAHOMA ATTORNEY GENERAL AND BOB
SULLIVAN TO THE FILING BY THE OKLAHOMA INSURANCE DEPARTMENT ON
SEPTEMBER 22, 2026, AND RENEWED REQUEST FOR PROMPT
DETERMINATION PURSUANT TO 75 O.S. § 316**

COME NOW the State of Oklahoma, ex rel. Gentner Drummond, Attorney General of the State of Oklahoma (the "Attorney General"), a party to this proceeding pursuant to 74 O.S. § 18b(A)(22) and the Notice of Hearing filed herein on July 14, 2026, and Bob Sullivan, an interested party of record who entered his appearance on August 26, 2026 (together, "Movants"), and object to the filing made by Ms. Nash and Mr. DeBose on behalf of Commissioner Mulready and the Oklahoma Insurance Department (the "Department") on September 22, 2026, styled "The Oklahoma Insurance Department's Response Opposing the Disqualification of the Independent Hearing Examiner and the Insurance Commissioner" (the "Filing"), since 75 O.S. § 316 does not provide for any pleading practice nor has the Department adopted any rule allowing same.¹

Commissioner Mulready's statutory mandate under § 316 is simple:

"A hearing examiner or agency member shall withdraw from any individual proceeding in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of a hearing examiner or agency member, on the ground of his inability to give a

¹ OAC 505:1-7-14, the Board of Examiners in Optometry's disqualification rule, implements § 316 and supplies a review structure. The Insurance Department has adopted no counterpart.

fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the administrative head of the agency..." (emphasis added).

1. **The Filing is made in the name of the officer who must decide.** The Filing is brought by "the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner," is signed over a block reading "GLEN MULREADY / INSURANCE COMMISSIONER / STATE OF OKLAHOMA," and asks that the Joint Affidavit of the Oklahoma Attorney General and Bob Sullivan filed September 10, 2026 (the "Affidavit") "be denied in its entirety." Filing at 1, 12. It states that the Commissioner "is required to rule on this issue." *Id.* ¶ 8. The officer to whom § 316 commits the determination has thus appeared, through the Department's counsel of record, as an advocate for one outcome of it. Movants object to the Filing on that ground and ask that it not be treated as a submission on the merits of the Affidavit.

2. **The determination should issue promptly and in writing.** The Affidavit was filed September 10, 2026. On September 15, 2026, the Hearing Examiner stayed this matter and referred the Affidavit to the Commissioner: "It will go back to Mr. Mulready for a determination." Transcript of Hearing, Sept. 15, 2026 ("Sept. 15 Tr.") at 18:7–8. He added that "[w]hatever decision is made or the procedure in which that is handled will be subject to further review." *Id.* at 18:2–4. The Hearing Examiner memorialized the stay by Administrative Order filed September 28, 2026 (the "September 28 Order"), which directs the issue of disqualification to the Commissioner "for his consideration and decision" and strikes "any hearing dates or schedules previously set." September 28 Order at 1–2. Section 316 requires that the issue be "determined promptly." Movants respectfully request that Commissioner Mulready comply with 75 O.S. § 316

on or before Friday, October 2, 2026, at noon by a written order entered of record in this matter stating the reasons for the ruling and the findings on which it rests, as paragraph 5 of the Affidavit's Relief Requested asked.

3. **Movants make no response to the substance of the Filing and concede none of it.** Inasmuch as there is no legal authority or agency rule for the Filing, no response or comment is made on the substance thereof, and none of it is conceded. Movants note only what the Filing itself confirms: that on September 4, 2026 the Hearing Examiner appeared from the Department's building in the company of the Department's legal assistant, and that none of the three affidavits attached to the Filing states what occurred during the recess taken that morning. Filing ¶¶ 2-4 & Exs. B-D.

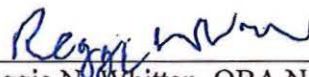
4. **The recording of the September 4 conference should be produced.** The Department's legal assistant attests that she "recorded the audio from the September 4th PHC for the administrative record." Filing, Ex. D ¶ 5. Paragraph 5 of the Affidavit's Relief Requested asked that the record of that conference be preserved and made available to the parties. Movants request that a copy of the recording be furnished to all parties together with a statement whether the recording captured the recess.

5. **The determination should address both officers named in the Affidavit.** The Affidavit seeks the disqualification of the Hearing Examiner and of the Commissioner. Affidavit, Relief Requested ¶¶ 1-2. The September 28 Order directs to the Commissioner "the issue of disqualification of the hearing examiner" and does not refer to the Commissioner's own disqualification. September 28 Order at 1-2. Movants request that the written determination, by whichever officer makes it, rule on the disqualification of each officer named in the Affidavit, and

that the stay entered by the September 28 Order remain in effect until the Affidavit has been determined as to both.

WHEREFORE, PREMISES CONSIDERED, Movants respectfully request that (1) the Filing not be treated as a submission on the merits of the Affidavit; (2) the Affidavit be determined by written order stating the reasons for the ruling and the findings on which it rests, entered of record on or before Friday, October 2, 2026, at noon; (3) the audio recording of the September 4, 2026 pre-hearing conference be furnished to all parties with a statement whether it captured the recess; (4) the determination rule on the disqualification of both the Hearing Examiner and the Commissioner, as the Affidavit requested, and the stay entered by the September 28, 2026 Administrative Order remain in effect until the Affidavit is determined as to each.

Respectfully submitted,



Reggie N. Whitten, OBA No. 9576
Michael Burrage, OBA No. 1350
Blake Sonne, OBA No. 20341
Hannah Whitten, OBA No. 35261
Jake Denne, OBA No. 35097
WHITTEN BURRAGE
512 North Broadway Avenue, Suite 300
Oklahoma City, OK 73102
Office: 405.516.7800
Facsimile: 405.516.7859
rwhitten@whittenburragelaw.com
mburrage@whittenburragelaw.com
bsonne@whittenburragelaw.com
hwhitten@whittenburragelaw.com
jdenne@whittenburragelaw.com
*Attorneys for the State of Oklahoma, ex rel.
Gentner Drummond, Attorney General*

Michael J. Hunter

Michael J. Hunter, OBA No. 4503

Michael J. Hunter, PLLC

100 N. Broadway

Suite 3020

Oklahoma City, OK 73102

Telephone: (405) 985-3828

mike@mjhlaw.net

Attorney for Bob Sullivan

CERTIFICATE OF SERVICE

I, Michael J. Hunter, hereby certify that on this 29th day of September, 2026, a true and correct copy of the above and foregoing **JOINT OBJECTION OF THE OKLAHOMA ATTORNEY GENERAL AND BOB SULLIVAN TO THE FILING BY THE OKLAHOMA INSURANCE DEPARTMENT ON SEPTEMBER 22, 2026, AND RENEWED REQUEST FOR PROMPT DETERMINATION PURSUANT TO 75 O.S. § 316** was filed with the Oklahoma Insurance Department by electronic mail to OIDlegal@oid.ok.gov, and was served by electronic mail upon:

Nicole M. Nash Antuany "Bo" DeBose
Oklahoma Insurance Department
Legal Division OIDlegal@oid.ok.gov
Nicole.nash@oid.ok.gov
Bo.debose@oid.ok.gov

**The Honorable John D.
Miller**
Independent Hearing Examiner
Oklahoma Insurance Department [via
OIDlegal@oid.ok.gov]

Craig MacIntyre
Oklahoma Insurance Commissioner Candidate
Craigforcommish26@gmail.com

Dr. Robert Hartwig
American Property Casualty Insurance
Association National Association of Mutual
Insurance Companies Walter.gonzales@apci.org

Brett Robinson
Oklahoma P&C Advocacy Association 608
E. Eubanks St
Oklahoma City, OK 73105
Telephone: (405) 965-9131
Email: brobinson@hbstrategies.us

J. Blake Patton, OBA No. 30673
Caleb E. Evans, OBA No. 36108
GABLEGOTWALS
BOK Park Plaza
499 W. Sheridan Ave, Suite 2200
Oklahoma City, OK 73102
Telephone: (405) 235-5500
Email: bpatton@gablelaw.com
cevans@gablelaw.com

Trent Shores, OBA No.19705
Jason Seay, OBA No. 22007
GABLEGOTWALS
110 N. Elgin Ave., Suite 200
Tulsa, OK 74120
Telephone: (918) 595-4800
Email: tshores@gablelaw.com
jseay@gablelaw.com


Michael J. Hunter