

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

STATE OF OKLAHOMA, ex rel. KIM HOLLAND, )  
Insurance Commissioner, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
HOMESURE OF AMERICA, INC., )  
 )  
Respondent. )  
 )

**FILED**

OCT - 7 2008

INSURANCE COMMISSIONER  
OKLAHOMA

Case No. 08-0500-DIS

**FINAL ADMINISTRATIVE ORDER**

ON THIS 7<sup>th</sup> day of October, 2008, this matter comes on for consideration. Homesure of America, Inc. ("Respondent"), was provided a copy of the Conditional Order entered in this matter on August 19, 2008 (see Exhibit "A") by certified mail, article number 7001 0320 0004 0178 7875, sent to the last address furnished to the Petitioner by Respondent. The Conditional Order advised Respondent that the Order would become a final order if no hearing was requested in writing on the matter.

**FINDINGS OF FACT**

1. That the allegations of fact set forth in the attached Conditional Order are hereby adopted and incorporated herein as findings of fact.
2. That said Order stated Respondent had thirty (30) days from the date of filing to request a hearing or the censure would be final. If Respondent failed to request a hearing, the order would become a final order.
3. That as of the date of filing, Petitioner has not received a request for hearing in this matter.

CONCLUSIONS OF LAW

That such conduct by Respondent is in violation of the laws alleged in the Conditional Order which is incorporated herein by reference.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that the Conditional Order entered in this matter on August 19, 2008, is a final order and all penalties imposed by the Conditional Order are incorporated herein and imposed on the Respondent.

IT IS FURTHER ORDERED by the Insurance Commissioner that the censure issued in the August 19, 2008, Conditional Administrative Order and Notice of Right to be Heard **shall not** be reported to the National Association of Insurance Commissioners, RIRS Division.

WITNESS My Hand and Official Seal this 7<sup>th</sup> day of October, 2008.



  
KIM HOLLAND  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

**CERTIFICATE OF MAILING**

I, Sandra G. LaVenu, hereby certify that a true and correct copy of the above and foregoing Final Administrative Order was mailed by regular mail, postage prepaid, and by certified mail, return receipt requested, postage prepaid, and electronic mail on this 7<sup>th</sup> day of October, 2008, to:

Homesure of America, Inc.  
Post Office Box 551540  
Ft. Lauderdale, FL 33355  
Attn: Linda Monteuil  
[lmontreuil@cchs.com](mailto:lmontreuil@cchs.com)

and that a copy was delivered to:

Chris Van Ess, Director  
Financial Division

Brian Gabbert, Analyst  
Claims/Consumer Assistance Division



A handwritten signature in cursive script, appearing to read 'Sandra G. LaVenu', is written over a horizontal line.

SANDRA G. LAVENU  
Assistant General Counsel

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

FILED

AUG 19 2008

INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel.                    )  
KIM HOLLAND, Insurance Commissioner,        )  
  )  
    Petitioner                                     )  
  )  
v.   )  
  )  
HOMESURE OF AMERICA, INC,                    )  
  )  
    Respondent.                                 )

Case No. 08-0500-DIS

CONDITIONAL ADMINISTRATIVE ORDER  
AND NOTICE OF RIGHT TO BE HEARD

COMES NOW the State of Oklahoma, ex rel. Kim Holland, and alleges and states as follows:

JURISDICTION

1. Kim Holland 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 et seq., including 36 O.S. § 1250.4.
2. The Respondent, Homesure of America, Inc., is a foreign insurer, licensed in the State of Oklahoma, holding certificate of authority number 2398.
3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 36 O.S. § 619.
4. If respondent requests a hearing in writing in this matter, pursuant to Oklahoma Administrative Code 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.
5. The Insurance Commissioner, pursuant to Oklahoma Administrative Code



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.

### ALLEGATIONS OF FACT

1. That Respondent is a foreign insurer, licensed in the State of Oklahoma holding certificate of authority number 2398.

2. That on December 21, 2007, Petitioner received a request for assistance ("complaint") on behalf of Barry Wilson. Wilson's complaint alleged that Respondent acted in bad faith and misled him with the contract and promise to pay.

3. Subsequently, Petitioner sent a letter requesting information from Respondent regarding claim number 200003134 (Respondent's claim number 4811307). Respondent acknowledged receipt of the letter on January 11, 2008.

4. On February 11, 2008, Respondent finally responded by fax sent on February 11, 2008, which was approximately thirty (30) days after Petitioner's initial request.

### ALLEGED VIOLATIONS OF LAW

Respondent violated 36 O.S. § 1250.4(B) by failing to respond within twenty (20) days to a written communication from a Petitioner concerning a claim.

### ORDER

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner, subject to the following paragraph, that the Respondent violated 36 O.S. § 1250.4(B) and is hereby **censured**.

**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 Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first day following the date of mailing of this Order. Such request for a hearing, if desired, shall be made in writing, addressed to Sandra LaVene, Oklahoma Insurance Department, Legal Division, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408 and must be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on any such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101 through 7004, and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 through 403. If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as a notice of the matters to be reviewed at the hearing, and the Allegations of Fact, Alleged Violations 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 19<sup>th</sup> day of August, 2008.



KIM HOLLAND  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
SANDRA G. LAVENUE, OBA# 13372  
Oklahoma Insurance Department  
Assistant General Counsel

**CERTIFICATE OF MAILING**

I, Sandra G. LaVenue, hereby certify that a true and correct copy of the above and foregoing Conditional Administrative Order and Notice of Right to be Heard was mailed via certified mail with postage prepaid and return receipt requested on this 19<sup>th</sup> day of August, 2008, to.

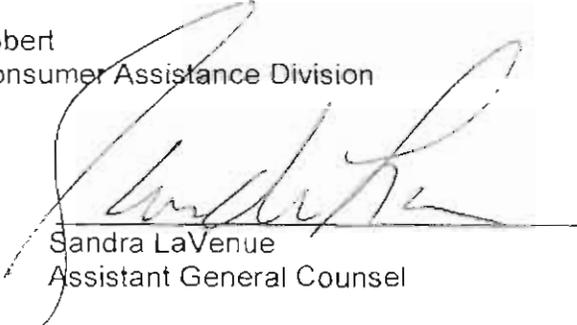
Homesure of America, Inc.  
Post Office Box 551540  
Ft. Lauderdale, FL 33355

CERTIFIED NO.

and that a copy was delivered to:

Chris Van Ess, Director  
Financial Division

Brian Gabbert  
Claims/Consumer Assistance Division



Sandra LaVenue  
Assistant General Counsel