

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

JUL - 8 2008

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel.)
KIM HOLLAND, Insurance Commissioner,)
)
Petitioner)
)
v.)
)
ELIZABETH BARBERA,)
)
Respondent.)

Case No. 08-0566-DIS

FINAL ADMINISTRATIVE ORDER

COMES NOW the State of Oklahoma, ex rel. Kim Holland, Insurance Commissioner, by and through her attorney, Julie Delluomo, and alleges and states as follows:

JURISDICTION AND AUTHORITY

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 the Insurance Adjuster Licensing Act, 36 O.S. §§ 6201 et seq.
2. The Insurance Commissioner may censure, suspend, revoke or refuse to issue or renew an adjuster's license and/or may levy a fine up to \$1,000.00 for each violation of the Oklahoma Insurance Code. 36 O.S. § 6219 and § 6220(A) and (B).

FINDINGS OF FACT

1. The Oklahoma Insurance Department ("Department") received a complaint on January 10, 2008 from Glenn D. and Susan H. Bond alleging that their vehicle was damaged by the deteriorated condition of Road 1050, a detour of Road 3490 from Highway 62 in Lincoln County, Oklahoma.
2. Mr. Bond stated that he had called Lincoln County numerous times to complain about the condition of the road. He requested that Lincoln County pay their claim of \$465 for damages to their vehicle. A Lincoln County Commissioner suggested the Bonds file a claim with Lincoln County's insurer, Trident Insurance Services LLC.

3. The Bonds were requesting assistance from the Oklahoma Insurance Department after Trident Insurance Services LLC denied their claim. The Department notified Trident of the complaint and ordered it to respond within twenty (20) days as required by 36 O.S. § 1250.4(B). Trident responded to the Department's order by letter dated January 29, 2008 and informed the Department of its reason for denial.

4. A routine review of the Department's records determined that the Trident adjuster assigned to the claim, Elizabeth Barbera, was not licensed as an adjuster in Oklahoma.

5. The Adjusters Licensing Act portion of the Oklahoma Insurance Code in 36 O.S. § 6204(A) in pertinent part states: *"No person shall act or hold himself or herself out as an adjuster in this state unless the person is a licensed adjuster in this state;..."* Subsection (B) goes on to state: *"Any person who violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by confinement in the county jail for not more than six (6) months, or by both said fine and confinement."*

6. The Department requested Trident provide a list of Oklahoma claims adjusted by Elizabeth Barbera while employed with Trident. Trident reported thirty-seven (37) occurrences of claims were adjusted by Elizabeth Barbera in Oklahoma on behalf of Trident. Barbera did not possess a valid license to adjust insurance claims in the State of Oklahoma at any time during the thirty-seven occurrences of adjusted claims on behalf of Trident.

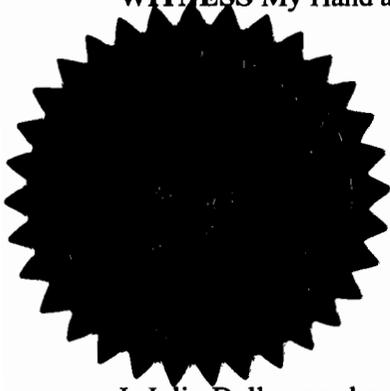
CONCLUSIONS OF LAW

Respondent violated 36 O.S. § 6220(A)(9) and 36 O.S. § 6204 by acting or holding herself out as an adjuster in Oklahoma while unlicensed.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that the Respondent is **CENSURED** and that the fine of **THREE HUNDRED SEVENTY DOLLARS (\$370.00)** imposed for violation of 36 O.S. § 6220(A)(9) and 36 O.S. § 6204 was not paid and that no hearing was requested and therefore the Conditional Order entered in this matter on May 2, 2008 is a **FINAL ADMINISTRATIVE ORDER**.

WITNESS My Hand and Official Seal this 8th day of July, 2008.



KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

CERTIFICATE OF MAILING

I, Julie Delluomo, hereby certify that a true and correct copy of the above and foregoing Final Administrative Order was mailed via certified mail with postage prepaid and return receipt requested on this 8th day of July, 2008, to:

Elizabeth Barbera
Trident Insurance Services LLC
10101 Reunion Pl., Suite 450
San Antonio, TX 78216

CERTIFIED MAIL NO. 7001 0320 0004 0178 4379

Notification was sent to:

NAIC/RIRS

A copy was delivered to:

Sandra Simms
Agents Licensing Division

April Morris
Consumer Assistance/Claims Division

Julie Delluomo
Assistant General Counsel