BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

SEP 25 2008

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. KIM HOLLAND, Insurance Commissioner,	)	
Petitioner	)	
v.	)	Case No. 08-0643-DIS
UNITED AUTOMOBILE INSURANCE COMPANY, an insurer licensed in the State of Oklahoma	)	
Respondent.	)	

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, United Automobile Insurance Company, is an insurance company licensed in the State of Oklahoma, holding certificate of authority number 8237, NAIC Identification Number 35319.

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 an insurer licensed in the State of Oklahoma holding certificate of authority number 8237.

2. That on November 5, 2007, Petitioner received a request for assistance ("complaint") on behalf of John Coffie ("Coffie"). .

3. Subsequently, Petitioner sent a letter requesting information from Respondent regarding claim number 200002689 (Respondent's claim number 0002006996) on November 13, 2007. Petitioner's letter also requested a copy of the policy in question.

4. Respondent failed to respond and a second letter was sent on January 4, 2008.

5. Respondent finally responded by fax sent on February 7, 2008, which was approximately eighty-five (85) days after Petitioner's initial request and thirty-four (34) days after Petitioner's second request.

6. In Response, Petitioner sent a letter dated March 3, 2008, to Respondent requesting a complete copy of the above referenced claim file.

7. Respondent Responded to the March 3, 2008, request on April 23, 2008, approximately fifty (50) days after the request.

8. As of the date of this filing, Petitioner has neither received a copy of the requested policy nor the claim file for claim number 20069996.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 1250.4(B) in that Respondent failed to timely provide an adequate response to Petitioner's November 13, 2007, correspondence and failed to respond within twenty (20) days of Respondent's January 4, 2008, and March 3, 3008, correspondence.

2. Respondent has violated 36 O.S. § 1250.4(A) by failing to provide Petitioner a copy of the applicable policy and claim file referenced in Petitioner's correspondence.

3. Pursuant to 36 O.S. § 1250.4(D), the penalty for violation of § 1250.4 is a civil penalty of not less than One Hundred Dollars ($100.00) or more than Five Thousand Dollars ($5,000.00).

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent violated 36 O.S. § 1250.4(A) and (B) and is fined in the amount of **Five Hundred and no/100 Dollars ($500.00). Fine to be paid immediately and remitted to the Oklahoma Insurance Department and mailed to ATTN: Sandra LaVenue, Legal Division, P.O. Box 53408, Oklahoma City, OK 73152-3408.**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent shall adequately respond to any future inquiries from the Oklahoma Insurance Department in a timely fashion and pursuant to 36 O.S. § 1250.4.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent is to

provide a copy of the above referenced claim file and the applicable policy.

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 LaVenue, 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 25th day of September, 2008.

KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

SANDRA G. LAVENUE, OBA# 13372
Oklahoma Insurance Department
Assistant General Counsel
P.O. Box 53408
Oklahoma City, OK 73152-3408
(405) 522-6335

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 25th day of September, 2008, to:

United Automobile Insurance Company
Cheryl Mitchell-King
P.O. Box 815009
Dallas, Texas 75381

CERTIFIED NO.

and that a copy was delivered to:

Chris Van Ess, Director
Financial Division

April Morris
Claims/Consumer Assistance Division

Sandra LaVenue
Assistant General Counsel