

FILED

JUL - 3 2008

INSURANCE COMMISSIONER
OKLAHOMA

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

STATE OF OKLAHOMA, ex rel.)	
KIM HOLLAND, Insurance Commissioner,)	
)	
Petitioner)	
)	
v.)	Case No. 08-0859-DIS
)	
LINDY JO MAJEWSKI,)	
)	
Respondent.)	

**CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD**

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).

ALLEGATIONS OF FACT

1. The Oklahoma Insurance Department (“Department”) received a complaint on January 4, 2008 from Andrea Lattimore alleging that her vehicle was damaged when a Topa Insurance Company insured struck her vehicle in a parking lot. Ms. Lattimore was dissatisfied with the claims handling of adjuster Lindy Jo Majewski.
2. The Department inquired into the matter and received a response February 29, 2008 from John Phelps of Mosher Administrative Services, an authorized claim representative of Topa Insurance

Company. Mr. Phelps explained that the loss involved a dispute in liability and that the insured had retained an attorney. Mosher was attempting to obtain the insured's recorded statement from the attorney.

3. A routine review of the Department's records determined that the adjuster assigned to the claim, Lindy Jo Majewski, was not licensed as an adjuster in Oklahoma.

4. 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.*"

5. The Department requested Mosher Administrative Services provide a list of Oklahoma claims adjusted by Lindy Jo Majewski while employed with Mosher. Mosher reported seventy-eight (78) occurrences of claims adjusted by Lindy Jo Majewski in Oklahoma on behalf of Mosher. Majewski did not possess a valid license to adjust insurance claims in the State of Oklahoma at any time during the seventy-eight occurrences of adjusted claims on behalf of Mosher.

ALLEGED VIOLATIONS 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 this state while unlicensed.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that the Respondent violated 36 O.S. § 6220(A)(9) and 36 O.S. § 6204 and therefore **Respondent is CENSURED AND FINED in the amount of SEVEN HUNDRED EIGHTY DOLLARS (\$780.00) payable within thirty (30) days of the date of mailing.**

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 hearing, if desired, shall be made in writing, addressed to Julie Delluomo, Oklahoma Insurance Department, Legal Division, Post Office 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 et seq., and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq.

WITNESS My Hand and Official Seal this 3rd day of July, 2008.



KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in cursive script that reads "Julie Delluomo". The signature is written in black ink and is positioned above a horizontal line.

JULIE DELLUOMO
Assistant General Counsel
P.O. Box 53408
Oklahoma City, Oklahoma 73152-3408
(405) 521-2746

CERTIFICATE OF MAILING

I, Julie Delluomo, 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 3rd day of July, 2008, to:

Lindy Jo Majewski
Mosher Administrative Services, Inc.
P.O. Box 80394
Phoenix, AZ 85060-0394

CERTIFIED MAIL NO. 7001 0320 0004 0178 4348

and that a copy was delivered to:

Sandra Simms
Agents Licensing Division

April Morris
Consumer Assistance/Claims Division



Julie Delluomo