

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

NOV 14 2008

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
)
Petitioner,)
v.)
BILLY J. MCMULLEN, a licensed)
Oklahoma Insurance Producer,)
)
Respondent.)

Case No. 08-0912-DIS

CONSENT ORDER

The State of Oklahoma, ex rel. Kim Holland, Insurance Commissioner, and Respondent Billy J. McMullen, stipulate to the following facts and applicable laws. The parties consent to the entry of this Order.

JURISDICTION AND AUTHORITY

1. Kim Holland is the Insurance Commissioner of the State of Oklahoma and is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq., including the Oklahoma Producer Licensing Act Licensing Act, 36 O.S. §§ 1435.1 et. seq.

2. Respondent is licensed by the State of Oklahoma as a resident insurance producer holding license number 123055. His address of record is 11205 S. 250th, Broken Arrow, OK 74014.

3. The Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew a license issued pursuant to the Oklahoma Producer Licensing Act and/or may levy a fine up to \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code, 36 O.S. § 1435.13(A) and (D).

STIPULATION OF FACTS

1. The Consumer Assistance/Claims Division of the Oklahoma Insurance Department received a complaint from Carol Boyles on January 10, 2008. Ms. Boyles was seeking assistance with her insurer Allstate's refusal to pay a break-in damage and jewelry theft claim. A letter of inquiry was sent by April Morris to Allstate on February 12, 2008. A response was received from John Sikra with Allstate on February 26, 2008.

2. The Consumer Assistance/Claims Division sent a letter of inquiry to the insurance agent in this matter, Respondent Billy J. McMullen on April 4, 2008. The letter requested an adequate response within twenty-five days pursuant to 36 O.S. § 1250.4(B) and asked for a copy of the insurance policy and the name of a contact person who would be handling the matter.

3. No response was received. A second letter was sent on May 2, 2008 to Respondent that included information pertaining to the complaint and requesting Respondent to review the information and provide of response within twenty days.

4. No response was received. A third letter was sent to Respondent on June 2, 2008 stating that Respondent was in violation of 36 O.S. § 1250.4 by failing to respond to previous requests and asked for Respondent's immediate attention to the matter

5. No response was received. The matter was then referred to the Legal Division who sent a letter to Respondent on July 3, 2008 advising a response to previous letters by July 28, 2008 to avoid administrative action.

6. No response was received.

7. A Conditional Administrative Order and Notice of Right to be Heard was filed on August 5, 2008 censuring and fining Respondent \$1,000.00 for his multiple failures to respond to the Oklahoma Insurance Department. Respondent neither requested a hearing on the matter or paid the \$1,000.00 fine.

8. An Emergency Order of Suspension Instante and Notice of Right to be Heard was filed on September 11, 2008 suspending Respondent's producer license for his repeated failure to respond.

9. Respondent then notified Petitioner on September 30, 2008 that he had been informed of his suspended license by a third party and admitted that he had failed to notify Petitioner of his correct address, 1225 E. Canton, Broken Arrow, OK 74102.

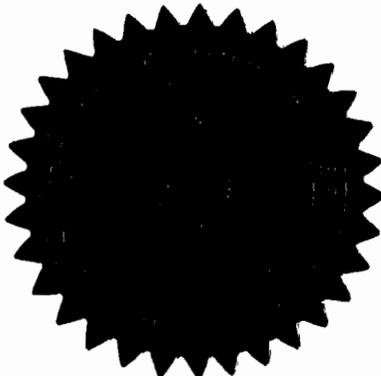
AGREED CONCLUSIONS OF LAW

Respondent has violated 36 O.S. § 1250.4 by failing to respond to letters of inquiry; Respondent has violated 36 O.S. § 1435.8(F) in failing to notify the Insurance Commissioner of his change of address within thirty (30) days of the change; Respondent is in violation of 36 O.S. § 1435.13(A)(2) by violating insurance laws 36 O.S. §§ 1250.4 and 1435.8(F).

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner and agreed by Respondent that a **THREE HUNDRED DOLLAR (\$300.00) fine** is imposed against Respondent, payable in two monthly installments of \$150.00 each, the first one due on November 7, 2008 and the second payment due on December 5, 2008. The two \$150.00 installment payments shall be paid by money order or cashiers check made payable to the Oklahoma Insurance Department.

WITNESS My Hand and Official Seal on this 14th day of ~~October~~ November, 2008.




LEAMON FREEMAN
HEARING EXAMINER

VERIFICATION AND CONSENT

I, Billy J. McMullen state that I have read this Consent Order. The contents and facts set forth in the order are true to the best of my knowledge. I consent to the entry of the Order by the Insurance Commissioner and I waive my right to appeal this Order.



BILLY J. McMULLEN

STATE OF OKLAHOMA
COUNTY OF TULSA

This instrument was acknowledged before me on Nov. 8th / 2008 by
BILLY J. McMULLEN



Signature of Notary

Seal

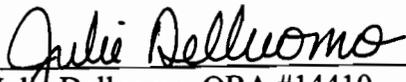
ROBERT BEHNKEN
NOTARY PUBLIC - STATE OF OKLAHOMA
MY COMMISSION EXPIRES JUNE 23, 2012
COMMISSION # 08006454

Personal Banker

Title

My commission expires:
6/23/12

APPROVED:



Julie Delluomo, OBA #14410
Assistant General Counsel
Oklahoma Insurance Department

CERTIFICATE OF MAILING

I, Julie Delluomo, hereby certify that a true and correct copy of the above and foregoing Consent Order was mailed by certified mail with postage prepaid and return receipt requested on this 14th day of November, 2008, to:

Billy J. McMullen
1225 E. Canton
Broken Arrow, OK 74012

and that notification was sent to:

NAIC/RIRS

and that a copy was delivered to:

Agents Licensing Division


Julie Delluomo