

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

NOV 13 2008

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel.)
KIM HOLLAND, Insurance Commissioner,)
)
Petitioner)
)
v.)
)
TOPA INSURANCE COMPANY)
)
)
Respondent.)

Case No. 08-0988-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, Topa Insurance Company, is a foreign insurer, licensed in the State of Oklahoma, holding certificate of authority number 2637.
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 2637.

2. That on April 11, 2008, Petitioner received a request for assistance ("complaint") on behalf of Jessica Fletcher ("Fletcher"). Fletcher's complaint alleged that Respondent failed to communicate with Fletcher; failed to pay medical bills; and failed to offer a fair settlement for the value of Fletcher's vehicle.

3. Subsequently, on April 14, 2008, Petitioner sent a letter to Respondent requesting a copy of the policy in question along with a schedule of benefits and any riders or endorsements as well as the name of the individual assigned to handle the matter. Respondent failed to respond within twenty (20) days as required by 36 O.S. § 1250.4(B).

4. On May 21, 2008, Petitioner sent a second letter to Respondent again requesting information regarding the settlement of Fletcher's claim. Again, Respondent failed to respond.

5. Respondent finally responded to Petitioner's letters dated April 14, 2008, and May 21, 2008, on August 8, 2008, approximately seventy-nine (79) days after Petitioner's initial request for information.

ALLEGED VIOLATIONS OF LAW

That the Respondent violated 36 O.S. § 1250.4(B) by failing to provide the Oklahoma Insurance Department an adequate response within twenty (20) days after receipt of an inquiry from the Oklahoma Insurance Commissioner.

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 fined in the amount of **Three Hundred AND NO/100 DOLLARS. 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 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 13th day of November, 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 13th day of November 2008, to:

Topa Insurance Company
1800 Ave. of the Stars, Suite 1200
Los Angeles, CA 90067
CERTIFIED NO. 7001 0320 0004 0178 7295

and that a copy was delivered to:

Chris Van Ess, Director
Financial Division

April Morris
Claims/Consumer Assistance Division



Sandra LaVenue
Assistant General Counsel