

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

STATE OF OKLAHOMA, *ex rel.*)
KIM HOLLAND, Insurance Commissioner,)
)
Petitioner,)
)
v.)
)
DALTON-HOLMES FUNERAL HOME,)
a licensed provider of Prepaid Funeral)
Benefits in the State of Oklahoma, holding)
Permit # 6414,)
)
Respondent.)

FILED

AUG 05 2008

INSURANCE COMMISSIONER
OKLAHOMA

Case No. 08-1118-DIS

CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD

COMES NOW the State of Oklahoma, *ex rel.* Kim Holland, Insurance Commissioner, and alleges and states as follows:

JURISDICTION

1. The Insurance Commissioner has jurisdiction over this cause, pursuant to the provisions of the Oklahoma Insurance Code, OKLA. STAT. TIT. 36, §§ 101-7004.
2. If a hearing is requested by the Respondent, 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.
3. If the Respondent requests a hearing in this matter, the Insurance Commissioner, pursuant to OKLA. STAT. TIT. 36 § 319, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and who may preside over the hearing requested by the Respondent.

ALLEGATIONS OF FACT

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, OKLA. STAT. TIT. 36 §§ 101 through 7004.

2. Respondent holds permit No. 6414 to sell Prepaid Funeral Benefits in the State of Oklahoma.

3. Respondent failed to furnish a bond in the form of a cash bond, letter of credit or fidelity bond, to be approved by the Insurance Commissioner in the amount of Three Hundred Thousand Dollars (\$300,000.00) or fifteen percent (15%) of all funds collected for prepaid funeral benefits, whichever is less, OKLA. STAT. TIT. 36 § 6125(I).

APPLICABLE LAW

1. Pursuant to OKLA. STAT. TIT. 36 § 6130 B, the violation of any provision of OKLA. STAT. TIT. 36 §§ 6121 through 6135, shall constitute a cause for the Insurance Commissioner to issue a notice and order to show cause why the licensee shall not be censured, have his license suspended or revoked, be subject to a fine of not less that One Hundred Dollars (100.00) and not more that One Thousand Dollars (\$1,000.00), or be subject to both such fine and punishment.

2. Pursuant to OKLA. STAT. TIT. 36 § 6125 I, each organization subject to the provisions of this section shall furnish a bond in the form of a cash bond, letter of credit, or fidelity bond, to be approved by the Insurance Commissioner, in the amount of Three Hundred Thousand (\$300,000.00) or fifteen percent (15%) of all funds collected for prepaid funeral benefits, whichever is less.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that the Respondent violated OKLA. STAT. TIT. 36 § 6125(I) and is hereby **SUSPENDED** from writing any new PrePaid Funeral Benefits in the State of Oklahoma.

IT IS FURTHER ORDERED by the Insurance Commissioner that Respondent shall continue to honor all contracts in force throughout this suspension.

IT IS FURTHER ORDERED by the Insurance Commissioner that Respondent is fined **One Thousand Dollars (\$1000.00)** for failure to furnish a bond in the form of a cash bond, letter of credit or fidelity bond, to be approved by the Insurance Commissioner in the amount of Three Hundred Thousand Dollars (\$300,000.00) or fifteen percent (15%) of all funds collected for prepaid funeral benefits, whichever is less, OKLA. STAT. TIT. 36 § 6125(I). **Fine is to be paid immediately.**

IT IS FURTHER ORDERED unless the Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of the mailing of this **Conditional Administrative Order And Notice Of Right To Be Heard** and the penalties set forth above shall become Final on the thirty-first (31st) day following the date of mailing of this **Conditional Administrative Order And Notice Of Right To Be Heard**. Such request for a hearing if desired, shall be made in writing addressed to Jane L. Pennington, Assistant General Counsel, 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 request hearing will be conducted in accordance with the Oklahoma Insurance Code, OKLA.STAT.TIT. §§ 101 through 7004 and the Oklahoma Administrative Procedures Act, OKLA.STAT.TIT. 75 §§ 250 through 403. If the

Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this **Conditional Administrative Order And Notice Of Right To Be Heard** 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 Administrative Order And Notice Of Right To Be Heard** shall be considered withdrawn, pending final resolution at the hearing. WITNESS My Hand and Official Seal this 5th day of August, 2008.



KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



JANE L. PENNINGTON
Assistant General Counsel

CERTIFICATE OF MAILING

I, Jane L. Pennington, hereby certify that a true and correct copy of the attached Conditional Administrative Order And Notice Of Right To Be Heard was mailed certified mail, return receipt requested on the 5th day of August, 2008 to:

Brent Gordon
Dalton-Holmes Funeral Home
223 North 3rd Street
Durant, OK 74701

Certificate of Mailing: 7006 0810 0002 6162 6520

And that a copy was delivered to:

Dwight DeJear
Senior Management Analyst
Financial Division

A Copy was also delivered to:

Oklahoma Funeral Board
4545 N. Lincoln Boulevard
Suite 174
Oklahoma City, OK 73105


JANE L. PENNINGTON
Assistant General Counsel

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,)
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DALTON-HOLMES FUNERAL HOME, a)
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Case No. 08-1118-DIS

FINAL ADMINISTRATIVE ORDER

On August 5th 2008, Petitioner mailed, via certified mail, a *Conditional Administrative Order And Notice Of Right To Be Heard* ("Order"). Respondent knowingly and freely waived its right to a public hearing and entered into the Order as a voluntary settlement to the issues and questions raised in the above captioned case. Respondent paid a fine of One Thousand Dollars (\$1000.00) on or about August 26, 2008 in compliance with the Order. This matter is completed and the file is being closed.

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



KIM HOLLAND,
INSURANCE COMMISSIONER


JANE L. PENNINGTON
Assistant General Counsel

CERTIFICATE OF MAILING

I, Jane L. Pennington, hereby certify that a true and correct copy of the attached Final Administrative Order was mailed certified mail, return receipt requested on the 14th day of November, 2008 to:

Brent Gordon **CERTIFIED MAIL NUMBER 7006 0810 0002 6164 1372**
Dalton-Holmes Funeral Home
233 North 3rd Street
Durant, OK 74701

And that a copy was delivered to:

Dwight DeJear
Senior Management Analyst
Financial Division


JANE L. PENNINGTON
Assistant General Counsel