

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
AUG 15 2008
INSURANCE COMMISSIONER
OKLAHOMA

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

Case No. 08-1190-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, Old Republic Insurance Company is a foreign insurer, licensed in the State of Oklahoma, holding certificate of authority number 4396.
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 4396.

2. That on November 8, 2007, Petitioner received a request for assistance ("complaint") on behalf of John L. Harlan ("Harlan"). Harlan's complaint alleged that an Order was issued in the Workers' Compensation Court on June 22, 2007, In re claim of: Ava Ann Rice, American National Red Cross, and Old Republic Insurance Company ("Respondent"). The Court's Order required Respondent to pay attorney fees. Harlan's complaint alleged that Respondent had failed to comply with the Court's Order.

3. Petitioner sent a written request to Respondent on November 15, 2007, requesting information regarding Harlan's complaint.

4. Petitioner received no response from Respondent.

4. On January 4, 2008, Petitioner sent a second written request to Respondent, requesting information from Respondent regarding Harlan's Complaint.

5. As of the date of this Order, Respondent has failed to provide a response to Petitioner's written requests as required by 36 O.S. § 1250.4(B).

ALLEGED VIOLATIONS OF LAW

That the Respondent violated 36 O.S. § 1250.4(B) by failing to adequately respond

within twenty (20) days of an inquiry from the Oklahoma Insurance Department.

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 fined in the amount of **One 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 Respondent is ordered to submit a response to the previous two (2) letters to **ATTN: Sandra LaVenue, Legal Division, P.O. Box 53408, Oklahoma City, OK 73152-3408.** If Respondent fails to submit a response, its certificate of authority will be suspended and will remain suspended until the response is received by Petitioner.

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 15th day of August, 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 15th day of August, 2008, to:

Old Republic Insurance Company
Post Office Box 789
Greensburg, PA 15601-0789

CERTIFIED NO.7001 0320 0004 0178 7967

and that a copy was delivered to:

Chris Van Ess, Director
Financial Division

Brian Gabbert
Claims/Consumer Assistance Division



Sandra LaVenue
Assistant General Counsel