

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

**STATE OF OKLAHOMA, *ex rel.*** )  
**KIM HOLLAND, Insurance Commissioner,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** )  
 )  
 **DAVIS FUNERAL HOME,** )  
 **a licensed provider of Prepaid Funeral** )  
 **Benefits in the State of Oklahoma, holding** )  
 **Permit # 6415,** )  
 )  
 **Respondent.** )

**FILED**  
SEP 30 2008  
Case No. 08-1370-DIS  
INSURANCE COMMISSIONER  
OKLAHOMA

**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 OKLA. ADMIN. 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. 6415 to sell Prepaid Funeral Benefits in the State of Oklahoma.
3. Respondent's annual report was due on or before March 15, 2008.
4. Respondent failed to file its annual report on or before March 15, 2008 as required by OKLA. STAT. tit. 36 § 6128 and OKLA. STAT. tit. 36 § 6129.
5. Respondent filed its annual report on or about April 9, 2008.

## ALLEGED VIOLATIONS OF LAW

1. Pursuant to OKLA. STAT. tit. 36 § 6130 B, for violation of any provision of OKLA. STAT. tit. 36 §§ 6121 through 6136.18, the Commissioner may censure, suspend or revoke the license of, or impose a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1000.00).

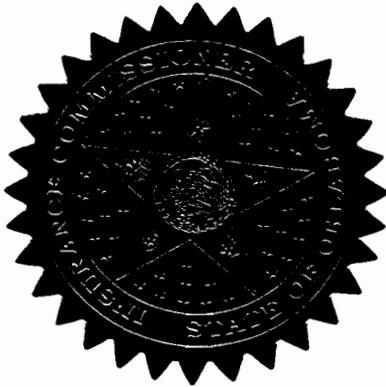
## ORDER

**IT IS ORDERED** by the Insurance Commissioner that Respondent is fined **Five Hundred Dollars (\$500.00)** for failure to timely file their annual report. **Fine is to be paid immediately.**

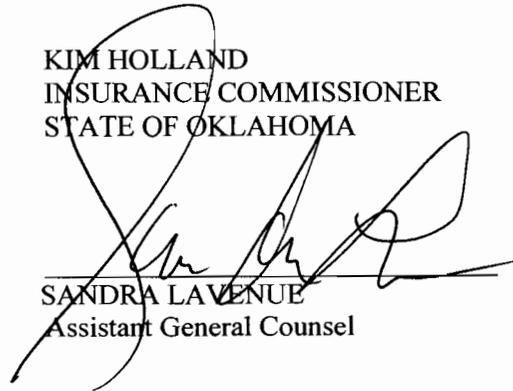
**IT IS FURTHER ORDERED** unless the Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of the mailing of this **Conditional Administrative Order And Notice Of Right To Be Heard** and the penalties set forth above shall become Final on the thirty-first (31<sup>st</sup>) 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 Administrator 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 30<sup>th</sup> day of September, 2008.



KIM HOLLAND  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA



SANDRA LAVENUE  
Assistant General Counsel

## CERTIFICATE OF MAILING

I, Sandra LaVenue, 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 30<sup>th</sup> day of September, 2008 to:

Rodger Floyd  
Davis Funeral Home  
Cushing, OK 74023  
Drumright, OK 74030.

**CERTIFIED MAIL NUMBER**  
7006 0810 0002 6163 7528

And that a copy was delivered to:

Dwight DeJear  
Senior Management Analyst  
Financial Division



SANDRA LAVENUE  
Assistant General Counsel

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INSURANCE COMMISSIONER  
OKLAHOMA

Case No. 08-1370-DIS

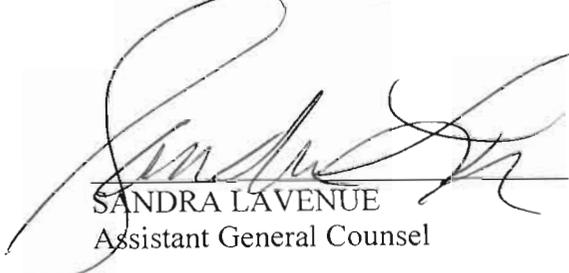
**FINAL ADMINISTRATIVE ORDER**

On September 30, 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 Five Hundred Dollars (\$500.00) on or about November 4, 2008, in compliance with the Order. This matter is completed and the file is being closed.

**WITNESS** My Hand and Official Seal this 5<sup>th</sup> day of November, 2008.



KIM HOLLAND,  
INSURANCE COMMISSIONER

  
SANDRA LAVENUE  
Assistant General Counsel

**CERTIFICATE OF MAILING**

I, Sandra LaVenue, hereby certify that a true and correct copy of the attached Final Administrative Order was mailed certified mail, return receipt requested on the 5<sup>th</sup> day of November, 2008 to:

Floyd Rogers                   **CERTIFIED MAIL NUMBER 7006 0810 0002 6164 1341**  
Davis Funeral Home  
402 East Broadway  
Cushing, OK 74023

And that a copy was delivered to:

Dwight DeJear  
Senior Management Analyst  
Financial Division



**SANDRA LaVENUE**  
Assistant General Counsel