BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, *ex rel.* **KIM HOLLAND,** Insurance Commissioner,	)	**FILED**
Petitioner,	)	MAR 12 2009
vs.	)	INSURANCE COMMISSIONER OKLAHOMA
INTERCONTINENTAL MARINE SERVICE CORPORATION a licensed service warranty company operating in Oklahoma #A090	)	**Case No. 09-0332-DIO**
Respondent.	)	

NOTICE OF STATUTORY VIOLATION AND NOTICE OF HEARING

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.*

2. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may suspend a service warranty license pursuant to the provisions of 36 O.S. § 6610.

3. The Insurance Commissioner, pursuant to 36 O.S. § 319, has appointed an independent hearing officer who shall sit as a quasi-judicial officer.

4. The Insurance Commissioner, pursuant to OAC 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.

5. Respondent is a licensed service warranty provider in Oklahoma, license number A090.

ALLEGATIONS OF FACT

1. Respondent is a Service Warranty Company operating in Oklahoma pursuant to license number A090.

2. A Conditional Administrative Order was filed on November 6, 2008, and received by Respondent on November 10, 2008, stating that Respondent violated the provisions of 36 O.S. § 6615(D) and assessed a fine in the amount of $5,000.00. (Exhibit A)

3. Respondent did not request a hearing and the Conditional Administrative Order became a Final Order on December 6, 2008, which is a lawful order of the Commissioner pursuant to the provisions of 75 O.S. § 311.

4. As of the date of this filing of this Conditional Administrative Order, Respondent has not paid the assessed fine in the amount of $5,000.00.

5. As of the date of this filing, Respondent has failed to pay the Anti-Fraud Revolving Fund Fee as required by 36 O.S. § 362, in the amount of $750.00. (Exhibit B)

ALLEGED VIOLATIONS OF LAW

1. Respondent has violated a lawful order of the Commissioner by

failing to pay the administrative fine ordered in 08-1654 within sixty (60) days after the judgment became a final order pursuant to the provisions of 36 O.S. § 6610(A) and (B)(3) and 36 O.S. § 312A.

2. Respondent has violated 36 O.S. § 362 by failing to pay the $750.00 annual Anti-Fraud Revolving Fund Fee due July 31, 2008.

ORDER

WHEREFORE, Respondent is hereby given notice of a hearing to be held at **9:30** o'clock **a.m.** on the **29th** day of **April, 2008,** at the Office of the Insurance Commissioner, 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107, to determine if there are any reasons why Respondent's license in the State of Oklahoma should not be suspended or revoked pursuant to 36 O.S. § 6610(A) and/or why a fine should not be imposed pursuant to 36 O.S. § 6613. The proceedings will be conducted in accordance with the Oklahoma Administrative Procedures Act 75 O.S. §§ 301-323.

WITNESS My Hand and Official Seal this 12th day of March 2009.

KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

SANDRA G. LAVENUE
Assistant General Counsel
Post Office Box 53408
Oklahoma City, Oklahoma 73152-3408

CERTIFICATE OF MAILING

I, Sandra G. LaVenue, hereby certify that a true and correct copy of the above and foregoing Notice of Statutory Violation and Notice of Hearing was mailed postage prepaid via regular mail and certified mail/return receipt requested on this 12th day of March 2009, to:

Clyde Tenberg
Intercontinental Marine Service Corporation 7006 0810 0002 6164 1655
9115 Harris Corners Parkway, Suite 100
Charlotte, NC 28269

and that a copy was delivered to:

Dwight DeJear
Senior Management Analyst
Financial Division

SANDRA G. LAVENUE
Assistant General Counsel
Oklahoma Insurance Department
P.O. Box 53408
Oklahoma City, OK 73152-3408

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

FILED

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INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, *ex rel.* KIM HOLLAND, Insurance Commissioner,	)	
Petitioner,	)	
v.	)	**Case No. 08-1654-DIS**
INTERCONTINENTAL MARINE SERVICE CORPORATION a licensed Service Warranty Association in the State of Oklahoma # A090,	)	
Respondent.	)	

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

EXHIBIT
A

ALLEGATIONS OF FACT

1. That the Respondent is a licensed service warranty association in the State of Oklahoma holding certificate of authority number A090.

2. That the Respondent failed to properly and timely submit it 2007 annual statement to the Department on or before February 29, 2008.

3. That the Respondent filed its 2007 annual statement on or about October 28, 2008.

VIOLATIONS OF LAW

1. Respondent violated OKLA. STAT. TIT. 36 § 6615 (D) by failing to properly and timely submit its 2007 annual statement to the Department on or before February 29, 2008.

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 § 6615 (D) and is fined in the amount of **FIVE THOUSAND AND NO/100 DOLLARS ($5,000.00), Fine to be paid immediately.**

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 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 requested hearing will be conducted in accordance with the Oklahoma Insurance Code,

OKLA. STAT. TIT. 36 §§ 101 through 7004 and the Oklahoma Administrative Procedures Act, OKLA. STAT. TIT. 75 §§ 250 through 327. 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 6TH day of November, 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 above and foregoing Conditional Administrative Order and Notice of Right to be Heard was mailed by certified mail with postage prepaid and return receipt requested on this 6th day of November, 2008, to:

CERTIFIED NO. 7006 0810 0002 61647 1365

Clyde Tenberg
Intercontinental Marine Service Corporation
9115 Harris Corners Parkway, Suite 100
Charlotte, NC 28269

and a copy was delivered to:

Dwight DeJear
Senior Management Analyst
Financial Division

Jane L. Pennington
JANE L. PENNINGTON
Assistant General Counsel

Oklahoma
Invoice

Printed Date: March 11, 2009

Invoice Date: April 30, 2008
Balance Due: $750.00
Due Date: July 31, 2008
Invoice ID: 103624

INTERCONTINENTAL MARINE SERVICE CORPORATION
9115 HARRIS CORNERS PARKWAY STE 100
CHARLOTTE NC 28269

Item Description	Amount
AF FRAUD ASSESSMENT	$750.00
Original Amount Due	$750.00

Oklahoma
Invoice

Printed Date: March 11, 2009

Invoice Date: April 30, 2008
Balance Due: $750.00
Due Date: July 31, 2008
Invoice ID: 103624

Make checks payable to: Oklahoma Insurance Department

Send payment to:

OKLAHOMA INSURANCE DEPARTMENT
2401 N.W. 23RD, SUITE 28
P.O. BOX 53408
OKLAHOMA CITY, OK 73152-3408

Detach and Return with Payment

EXHIBIT
B