

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

MAR 16 2009

INSURANCE COMMISSIONER
OKLAHOMA

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

Case No. 08-1821-DIS

CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD

COMES NOW the State of Oklahoma, ex rel. Kim Holland, by and through her attorney, Julie Delluomo, 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. Old Republic Insurance Company (“Respondent”) is a foreign insurer, licensed in the State of Oklahoma, holding certificate of authority number 6280 and NAIC number 24147.
 3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 36 O.S. § 619.
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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. Respondent is a foreign insurer, licensed in the State of Oklahoma holding certificate of authority number 6280 and NAIC number 24147.

2. On September 29, 2008, April Morris, an analyst with Consumer Assistance/Claims Division of the Oklahoma Insurance Department sent a letter to Old Republic Insurance Company on behalf of Southwest Orthotics Lab, LLC who had complained to the Department to Respondent concerning an unpaid claim for services. (Exhibit A).

3. On November 3, 2008, April Morris, again sent a letter to Old Republic Insurance Company on behalf of Southwest Orthotics Lab, LLC who had complained to the Department concerning an unpaid claim for services. (Exhibit B).

4. On January 21, 2009, April Morris, again sent a letter to Old Republic Insurance Company on behalf of Southwest Orthotics Lab, LLC who had complained to the Department concerning an unpaid claim for services. (Exhibit C).

5. No response was ever received.

6. *Every agent, adjuster, administrator, insurance company representative, or insurer, upon receipt of inquiry from the Commissioner concerning a claim or a problem involving premium monies, shall, within twenty (20) days after receipt of such inquiry, furnish the Commissioner with an adequate response to the inquiry.* 36 O.S. § 1250.4(B).

ALLEGED VIOLATIONS OF LAW

Respondent violated 36 O.S. § 1250.4(B) by failing to adequately respond to the Department's inquiry within twenty (20) days after receipt of the inquiry.

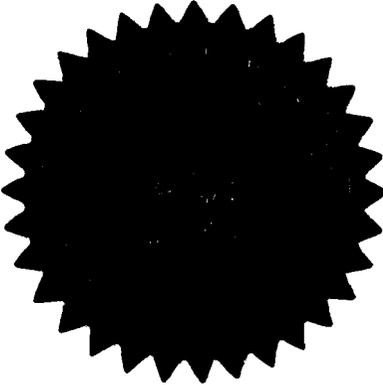
ORDER

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 **FIVE HUNDRED AND NO/100 DOLLARS. Fine to be paid immediately and remitted to the Oklahoma Insurance Department; ATTN: Julie Delluomo, 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 Julie Delluomo, 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 17th day of March, 2009.



KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Julie Delluomo, OBA# 14410
Oklahoma Insurance Department
Assistant General Counsel

CERTIFICATE OF MAILING

I, Julie Delluomo, 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 07th day of March 2009, to:

Old Republic Insurance Company
307 N. Michigan Avenue
Chicago, IL 60601

CERTIFIED NO.

and that a copy was delivered to:

Chris Van Ess, Director
Financial Division

April Morris, Analyst
Claims/Consumer Assistance Division



Julie Delluomo
Assistant General Counsel

GOVERNOR
BRAD HENRY



INSURANCE COMMISSIONER
KIM HOLLAND

OKLAHOMA INSURANCE DEPARTMENT
STATE OF OKLAHOMA

September 29, 2008

OLD REPUBLIC INSURANCE COMPANY
CLAIMS COMPLAINTS
307 N MICHIGAN AVENUE
CHICAGO IL 60601

Re: SOUTHWEST ORTHOTIC LAB, LLC
OID FILE NUMBER: 200005745

Ladies and Gentlemen:

Enclosed you will find a copy of a Request for Assistance we have received from the above inquirer. Please review this correspondence and advise this office of your position. We ask that you use our file number on all correspondence concerning this inquiry.

Oklahoma Insurance Code 36 O.S. § 1250.4 (B) requires that your company provide this Department with a written explanation regarding your position in this matter within twenty (20) days of receipt of our inquiry. We also request that you provide a specific contact person who will be handling this inquiry, their direct telephone number and e-mail address.

Thank you in advance for your assistance and your timely response. This department looks forward to working with you in resolving the insurance problems of this consumer.

Regards,

A handwritten signature in black ink, appearing to read "April M Morris".

APRIL M MORRIS, CISR
Analyst
Consumer Assistance/Claims Division
405-521-2991

AM/dp
Enclosure



GOVERNOR
BRAD HENRY



INSURANCE COMMISSIONER
KIM HOLLAND

OKLAHOMA INSURANCE DEPARTMENT
STATE OF OKLAHOMA

November 3, 2008

OLD REPUBLIC INSURANCE COMPANY
CLAIMS COMPLAINTS
307 N MICHIGAN AVENUE
CHICAGO IL 60601

Re: SOUTHWEST ORTHOTIC LAB, LLC
OID FILE NUMBER: 200005745

Ladies and Gentlemen:

This letter is in reference to our recent inquiry regarding the referenced matter, a copy of which is attached for your easy reference.

Our files indicate that we have not received a reply to our inquiry. Please be advised that failure to furnish the Insurance Department with an adequate response to any inquiry within twenty (20) days of receipt of the inquiry constitutes violation of 36 O.S. §1250.4.

Please give this matter your immediate attention and forward your reply so this office can evaluate your position and reply to the complainant.

Sincerely,

APRIL M MORRIS, CISR
Analyst
Consumer Assistance/Claims Division
405-521-2991

AM/dp
Enclosure



GOVERNOR
BRAD HENRY



INSURANCE COMMISSIONER
KIM HOLLAND

OKLAHOMA INSURANCE DEPARTMENT
STATE OF OKLAHOMA

January 21, 2009

OLD REPUBLIC INSURANCE COMPANY
CLAIMS/COMPLAINTS
307 N MICHIGAN AVENUE
CHICAGO IL 60601

Re: SOUTHWEST ORTHOTIC LAB, LLC
JERROLD D BOLAND, INSURED
OID FILE NUMBER: 200005745
YOUR CLAIM NUMBER: OR-06-EG-03006-001

Ladies and Gentlemen:

This letter is in reference to our recent inquiry regarding the referenced matter, a copy of which is attached for your easy reference.

Our files indicate that we have not received a reply to our inquiry. Please be advised that failure to furnish the Insurance Department with an adequate response to any inquiry within twenty (20) days of receipt of the inquiry constitutes violation of 36 O.S. §1250.4.

Please give this matter your immediate attention and forward your reply so this office can evaluate your position and reply to the complainant.

Sincerely,

APRIL M MORRIS, CISR
Analyst
Consumer Assistance/Claims Division
405-521-2991

