

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

MAR 09 2009

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. KIM HOLLAND, Insurance Commissioner,
Petitioner,
v.
HENRY BATES, a licensed Oklahoma Insurance Producer,
Respondent.

Case No. 09-0240-DIS

**CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD**

COMES NOW the State of Oklahoma, ex rel. Kim Holland, Insurance Commissioner, 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 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 may place on probation, censure, suspend, revoke or refuse to issue or renew a license issued pursuant to the Oklahoma Producer Licensing Act and/or may levy a fine up to \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code, 36 O.S. § 1435.13(A) and (D).
3. Respondent is licensed by the State of Oklahoma as a resident insurance producer holding license number 127773.

ALLEGATIONS OF FACT

1. Respondent Henry Bates address of record is 601 West Choctaw, Broken Bow, Oklahoma 74728.

2. On April 9, 2004, Bates entered into a Consent Order with the Oklahoma Department of Insurance stipulating that on or about June 17, 2003, Bates accepted a check in the amount of \$1,176.00 from Ms. Betty Webb as a premium payment for a potential insurance policy on her property. Ms. Webb also signed a blank application form.

3. Soon afterward, Ms. Webb's property was damaged by fire. Bates later refunded the premium payment on or about July 28, 2003 after he was unable to obtain insurance coverage for Ms. Webb. His actions violated 36 O.S. § 1435.13(A)(8) and he agreed to be censured for demonstrating incompetence in the matter. (Exhibit A).

4. Bates thereafter submitted his renewal application to the Department on September 7, 2004. When asked whether he was involved in an administrative proceeding regarding any professional or occupational license since the last renewal, he stated "No". (Exhibit B).

CONCLUSIONS OF LAW

1. Respondent has violated 36 O.S. § 1435.13(A)(1) by providing incorrect, misleading, incomplete or materially untrue information in the license application.

ORDER

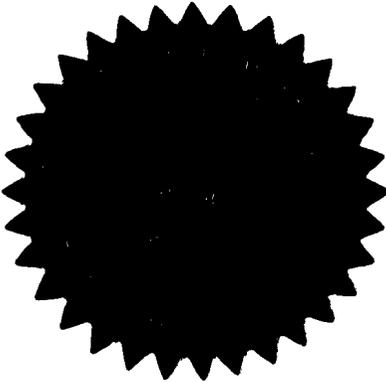
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that the Respondent violated 36 O.S. § 1435.13(A)(1) and as a result **Respondent is CENSURED AND FINED** in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)**. **Fine to be paid within thirty (30) days of receipt of this Order.**

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 this Order. A request for hearing should be in writing addressed to Julie Delluomo, Oklahoma Insurance Department, Legal Division, Post Office Box 53408, Oklahoma City, Oklahoma 73152-3408. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under the Insurance Code and 75 O.S. § 250-323. If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as 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 9th day of March 2009.

KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Julie Delluomo

Julie Delluomo
Assistant General Counsel
P.O. Box 53408
Oklahoma City, Oklahoma 73152
Telephone: (405) 521-2746
Facsimile: (405) 522-0125

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 by certified mail with postage prepaid and return receipt requested on this 9th day of March 2009, to:

Henry Bates
601 West Choctaw
Broken Bow, OK 74728

CERTIFIED MAIL NO. 7006 2760 0005 6605 1210

and that a copy was mailed to:

All Appointing Insurers

and that a copy was delivered to:

Leah Scoles/Agents Licensing Division
Jason Johnston/ Consumer Assistance/Claims Division


Julie Delluomo

BEFORE THE INSURANCE COMMISSIONER
STATE OF OKLAHOMA

FILED

APR 09 2004

STATE OF OKLAHOMA,)
ex rel. CARROLL FISHER,)
Insurance Commissioner,)
)
Petitioner)
)
v.)
)
HENRY BATES, #003797)
)
Respondent)

INSURANCE COMMISSIONER
OKLAHOMA

Case No. 04-0314-DIS

CONSENT ORDER

The State of Oklahoma, ex rel. Carroll Fisher, Insurance Commissioner, by and through his attorney, Roy John Martin, and the Respondent, Henry Bates, pro se, stipulate to the following facts and applicable laws. The parties consent to the entry of this Order.

JURISDICTION

1. Carroll Fisher is the Insurance Commissioner of the State of Oklahoma and is responsible for administering and enforcing all provisions of the Oklahoma Insurance Code, OKLA. STAT. tit 36 101 through § 6804.

2. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute.

3. The Insurance Commissioner has the authority to approve the parties' request to enter into the Consent Order.

RECEIVED
OKLAHOMA INSURANCE DEPT
CARROLL FISHER, COMMISSIONER

APR 12 2004

Agent Licensing Division



STIPULATION OF FACTS

1. Respondent is a licensed insurance producer (license number 003797) in the State of Oklahoma.

2. On or about June 17, 2003, the Respondent accepted a check in the amount of \$1,176.00 from Ms. Betty Webb as a premium payment for a potential insurance policy.

3. Ms. Webb also signed a blank application form.

4. After the Respondent was unable to obtain insurance coverage for Ms. Webb, the Respondent refunded the premium payment in full on or about July 28, 2003.

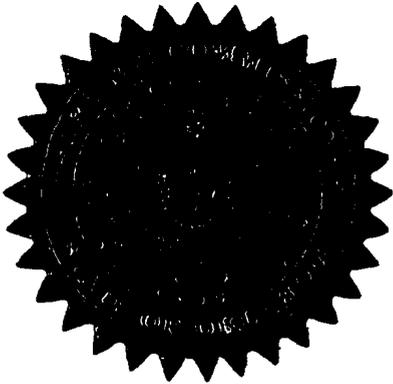
AGREED VIOLATIONS OF LAW

1. The Respondent's actions demonstrate incompetence in violation of 36 O.S. § 1435.13 (A) (8).

ORDER

1. IT IS ORDERED by the Insurance Commissioner AND AGREED TO by the Respondent that the Respondent is CENSURED for demonstrating incompetence in this matter.

WITNESS My Hand and Official Seal this 8TH day of
April 2004.



Carroll Fisher

CARROLL FISHER
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

VERIFICATION AND CONSENT

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

I, Henry Bates, being of lawful age and being duly sworn and under oath state:

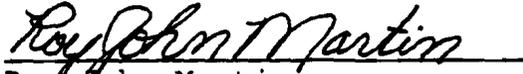
I have read the foregoing Consent Order, and the contents thereof and the facts set forth therein are within my personal knowledge and are true to the best of my knowledge. I do consent to the entry of the Consent Order by the Insurance Commissioner, and I waive my right to appeal this Consent Order.

Henry Bates
HENRY BATES

Subscribed and sworn to before me this 8 day of ~~March~~ ^{April} 2004.

My commission expires: 9/26/05
Notary Public *Sherry M. Sandefer*
Seal: Comm # 01016294

APPROVED AND COPY RECEIVED:



Roy John Martin
Assistant General Counsel
Oklahoma Insurance Department



Henry Bates
Respondent Pro Se

CERTIFICATE OF SERVICE

On April, 9 2004, a copy of the attached order was sent via regular and certified mail, return receipt requested, to:

Henry Bates
601 West Choctaw
Broken Bow, OK 74728

A copy was delivered to:

Phil Marsh
Director
Agents Licensing Division
Oklahoma Insurance Department

Notification was sent to:

NAIC
RIRS Division



Roy John Martin
Assistant General Counsel

7/13/04

Oklahoma Insurance Department
Carroll Fisher, Commissioner
2401 N.W. 23 Street, Ste. 28 - P O Box 53408
Oklahoma City, OK 73152-3408

APPLICATION FOR RENEWAL OF LICENSE

Failure to renew on time will result in expiration of the license without further notice.
Submission of a late or incomplete application is subject to late fees per
36 O.S. § 1435.23.E.

003797
HENRY O. BATES
601 WEST CHOCTAW
BROKEN BOW OK 74728

If this is a new address, check here.

Resident Producer/Agency		09/30/2004
09/2004	60.00	120.00
Type of Coverage: Life, Accident and Health, P&C- Combined		
		2460101

ARE YOU AN OKLAHOMA STATE SENATOR OR STATE REPRESENTATIVE? () YES (X) NO

*NON-RESIDENT INDIVIDUAL PRODUCERS WITH FULL LINES OF AUTHORITY ONLY: Effective August 1, 2004, you **MUST** renew your Oklahoma non-resident license electronically through NIPR at www.licenseregistry.com. Click on the "Producer Access Page" and follow the directions on the screens. Payment must be by credit card (Visa, Master Card, or American Express) for the State renewal fee and a nominal NIPR transaction fee, which is non-refundable. PAPER RENEWALS RECEIVED AFTER AUGUST 1, 2004, WILL BE RETURNED AND NOT PROCESSED.

NON-RESIDENT LIMITED LINE LICENSES MUST BE RENEWED BY RETURNING THE RENEWAL APPLICATION AND FEE. THEY CANNOT BE RENEWED ONLINE.

CORPORATE AGENCIES/PARTERSHIPS ONLY: Please attach a current list of producers (names and license numbers). The Oklahoma Insurance Department must be notified of any changes, additions or deletions within fifteen (15) days of any change. Please supply your Agency's FEIN NUMBER: _____

RESIDENT PRODUCERS AND ADJUSTERS MAY RENEW THEIR LICENSE BY VISA, MASTERCARD OR DISCOVER AT: www.oid.state.ok.us

NOTE: Renewal will **NOT** be processed if:

- (A) RESIDENTS not in compliance with continuing education (Contact your continuing education provider for unreported credit hours.)
- (B) Information and/or signature in a-c below is missing
- (C) Company appointment is needed for residents

BACKGROUND QUESTIONS

- a. Since the last renewal, have you been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld? NO
- b. Since the last renewal, have you or any business in which you are or were an owner, partner, officer, or director ever been involved in an administrative proceeding regarding any professional or occupational license? NO
- c. Since the last renewal, do you have a child support obligation in arrearage, or are you the subject of a child support related subpoena or warrant? NO

Daytime Telephone Number (580)584-3397

E-Mail Address hbates@pine-net.com

Henry O. Bates
Signature

PRODUCERS Per 36 O.S. §1435.8, the renewed license will only reflect those lines for which an appointment is recorded.

ALL FEES ARE BY LAW DEEMED EARNED AND NON-REFUNDABLE

Please complete: Paid \$ 60.00 by check/money order # 71108 Dated 09/02/04

ATTENTION: WE COOPERATE WITH THE OKLAHOMA COUNTY DISTRICT ATTORNEY IN THE PROSECUTION OF BOGUS CHECKS.

405-521-3916

405-522-3642 FAX

