

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

**STATE OF OKLAHOMA, ex rel. KIM  
HOLLAND, Insurance Commissioner,** )  
)  
)  
**Petitioner,** )  
)  
**v.** )  
)  
**HEATHER M. HILL, a licensed non-resident  
insurance producer,** )  
)  
**Respondent.** )

**FILED**  
APR 07 2009  
INSURANCE COMMISSIONER  
OKLAHOMA  
Case No. 09-0477-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 non-resident insurance producer holding license number 64132. Her address of record is 37 East Grand Avenue, Floor 2, Fox Lake, Illinois 60020.

## ALLEGATIONS OF FACT

1. K. Bar Crane Service, LLC (“K Bar”) is located in McAlester, Oklahoma. Pam Kinyon with K Bar complained to the Oklahoma Insurance Department that K Bar made a premium payment on September 23, 2008, in the amountt of \$25,504.25 for an umbrella policy to Alliance National Insurance Agency, Inc. (“Alliance”). The insurance producer was Heather M. Hill.

2. K Bar thereafter received a certified letter on November 1, 2008 from Axis Surplus Lines Insurance Company (“Axis”) that the insurance would be cancelled for nonpayment of premium if payment was not received by November 14, 2008. Pam Kinyon contacted Heather Hill and Hill stated there was a “hot check” and that she used K Bar’s premium payment to cover the hot check but that the insurer, Axis, would receive the premium payment that week.

3. Two weeks later, Kinyon contacted Axis because Hill would not return her phone calls. Colleen at Axis advised Kinyon that Hill had called and e-mailed Axis about K Bar’s premium payment and that Hill was to overnight it on November 14, 2008.

4. Axis notified K Bar on November 18, 2008 that the check was finally received.

5. Brian Gabbert in the Consumer Assistance/Claims Division sent a letter dated December 5, 2008 to Heather Hill requesting a response within twenty days to K Bar’s Complaint, as required by 36 O.S. § 1250.4(B). A subsequent letter was sent on February 5, 2009 when no response was received for the first letter. Hill did not respond to the subsequent letter either.

## CONCLUSIONS OF LAW

1. Respondent has violated 36 O.S. § 1435.13(A)(4) by improperly withholding, misappropriating or converting any monies or properties received in the course of doing an insurance business.

2. Respondent has violated 36 O.S. § 1435.13(A)(8) by demonstrating financial irresponsibility in the conduct of business.

3. Respondent has violated 36 O.S. § 1250.4(B) in failing to respond to Petitioner's inquiries; a violation of 36 O.S. 1435.13(A)(2).

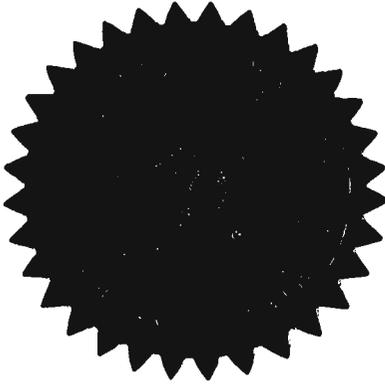
## ORDER

**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)(2), (4) and (8) and as a result **Respondent is CENSURED AND FINED** in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**. **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 7<sup>th</sup> day of April 2009.



KIM HOLLAND  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

*Julie Delluomo*

---

Julie Delluomo, OBA # 14410  
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 7<sup>th</sup> day of April, 2009, to:

Heather M. Hill  
37 E. Grand Avenue, Floor 2  
Fox Lake, IL 60020

**CERTIFIED MAIL NO.**

**7006 0810 0002 6164 1907**

and a copy was delivered to:

Leah Scoles  
Agents Licensing Division

and to:

Brian Gabbert  
Consumer Assistance/Claims Division

  
\_\_\_\_\_  
Julie Delluomo