BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

FILED
MAY 03 2011
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,	)	
Petitioner	)	
v.	)	**Case No. 11-0465-DIS**
CRESS INSURANCE CONSULTANTS, INC.	)	
Respondent.	)	

CONDITIONAL ADMINISTRATIVE ORDER AND NOTICE OF RIGHT TO BE HEARD

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through his attorney, Julie Meaders, and alleges and states as follows:

JURISDICTION

1. John D. Doak 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. Respondent Cress Insurance Consultants, Inc. is licensed by the State of New Mexico as a resident insurance producer holding license number 57739. Its address of record is 6101 Moon Street, NE, Suite 1000, Albuquerque, NM 87111. Respondent made application for a non resident Oklahoma producer firm license on April 8, 2011.

3. 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).

ALLEGATIONS OF FACT

1. Respondent made application for a non resident producer license on April 8, 2011. Respondent answered the background question regarding prior administrative actions "no" on the application.

2. A background check by the Licensing Division revealed a Consent Order was issued on December 29, 2010 between Respondent and the state of Florida. The application requires a written statement explaining the circumstances of such incident and a copy of the administrative order.

3. The Legal Division obtained a copy of the Consent Order from the Florida Department of Financial Services. Tom Cress responded by e-mail to the Legal Division's inquiry concerning the circumstances of the Florida Consent Order.

CONCLUSIONS OF LAW

Respondent violated 36 O.S. § 1435.13(A)(1); 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 FINED** in the amount of **FIVE HUNDRED DOLLARS ($500.00). Fine to be paid within thirty (30) days of receipt of this Order.** License will be issued upon payment of the fine.

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 Meaders, Oklahoma Insurance Department, Legal Division, 3625 NW 56th Street, Suite 100 Oklahoma City, Oklahoma 73112. 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 3rd day of May, 2011.

JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Julie Meaders

Julie Meaders
Assistant General Counsel
3625 NW 56th Street
Oklahoma City, Oklahoma 73112
Telephone: (405) 521-2746
Facsimile: (405) 522-0125

CERTIFICATE OF MAILING

I, Julie Meaders, 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 3rd day of May, 2011 to:

Tom Cress
Cress Insurance Consultants, Inc.
6101 Moon Street, NE
Suite 1000
Albuquerque, NM 87111

CERTIFIED MAIL NO: 7008 1830 0003 9411 7385

and that notification was sent to:

NAIC/RIRS

and that a copy was delivered to:

Leah Scoles
Licensing Division

Julie Meaders

Julie Meaders

7008 1830 0003 9411 7385

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MAY 03 2011

Postmark Here

Sent To Tom Cress

Cress Insurancce Consultants Inc.

Street, Apt. No. or PO Box No. 6101 Moon Street, NE

Suite 1000

City, State, ZIP Albuquerque, NM 87111

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tom Cress
Cress Insurancce Consultants Inc.
6101 Moon Street, NE
Suite 1000
Albuquerque, NM 87111

11-0465-DIS/JAM(mt)
Cond. Admin. Ord.

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
MAY 10 2011
Legal Division

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X L. Espinoza
☐ Agent
☐ Addressee

B. Received by (*Printed Name*)

C. Date of Delivery
5-5-11

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
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4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7008 1830 0003 9411 7385

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540