

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

AUG 29 2011

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner,)
)
v.)
)
SCOTT A. ROSIERE, a licensed)
title producer,)
)
Respondent.)

Case No. 10-0821-DIS

FINAL ADMINISTRATIVE ORDER

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. Scott A. Rosiere is a licensed resident title insurance producer holding license 187361. His license lapsed for failure to renew on June 30, 2011. His address of record with the Oklahoma Insurance Department is 2229 S. Main Street, Grove, Oklahoma 74344.

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).

4. The Insurance Commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by the Oklahoma Producer Licensing Act and Title 36 of the Oklahoma Statutes against any person who is under investigation for or charged with a violation of the Oklahoma Producer Licensing Act or Title 36 even if the person's license or registration has been surrendered or lapsed by operation of law. 36 O.S. § 1435.13(F).

5. If the Insurance Commissioner finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. 75 O.S. §§ 314(C)(2), 314.1, OAC 365:1-7-9(a).

FINDINGS OF FACT

1. Otis Dempsey requested assistance from the Consumer Assistance Division of the Oklahoma Insurance Department on April 8, 2010. Mr. Dempsey stated that he sold some property on June 22, 2009 and closed the sale at Grand Lake Title & Escrow in Grove, Oklahoma. Scott Rosiere was the closing agent and title agent at Grand Lake Title.

2. Dempsey was charged \$140.00 for title insurance with Old Republic Title Company at the closing. Despite Mr. Dempsey's realtor making repeated requests to Rosiere, as of the date of Dempsey's complaint to the Department, he had not received his title insurance policy. The buyers of the property, Michael and Candis McVickers, had not received a title insurance policy either.

3. Jason Johnston, in the Consumer Assistance Division, sent separate letters to Scott Rosiere and Grand Lake Title requesting a response to Dempsey's complaint. The letters sent were returned to the Department because Rosiere had failed to update his

address. Johnston then sent a letter via facsimile to Rosiere on May 6, 2010 requesting a response by May 22, 2010.

4. Johnston received a response from Rosiere on May 24, 2010. Rosiere stated that an agreement had been reached in November 2009 with Old Republic whereby Old Republic was to issue title policies directly from Old Republic's Oklahoma City office. Rosiere stated he was under the impression that Old Republic would issue Dempsey's policy.

5. Johnston then sent a letter dated May 26, 2010 to Old Republic requesting a response. Jeff Noble responded to Johnston on June 14, 2010 and advised that the title policies were mailed to Dempsey and McVickers on May 10, 2010 as a result of a telephone call from Dempsey to Old Republic. Thereafter, Johnston made additional contact with Noble who informed him that Rosiere had failed to pay the insurance premiums and issue the policies within the time frame allotted by law.

6. Further investigation by the Department determined that Old Republic had conducted an audit of Rosiere and Grand Lake Title which revealed that Rosiere had sold five hundred and fifty-nine (559) title insurance policies and failed to remit the premiums to Old Republic. The total loss of premium was \$57,240.83. Rosiere was immediately terminated as an agent for Old Republic after it was discovered that he issued commitment letters with bogus policy numbers and failed to submit the collected premiums to Old Republic.

7. A settlement was reached between Rosiere and Old Republic in which Old Republic accepted Rosiere's offer of \$50,000.00 as full restitution for the misappropriation of premium.

CONCLUSIONS OF LAW

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

2. Respondent violated 36 O.S. § 1435.13(A)(8) by demonstrating incompetence, untrustworthiness and financial irresponsibility in the conduct of business in this state.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that the **Administrative Order of Suspension Instanter** entered in this matter on July 25, 2011 is a **FINAL ADMINISTRATIVE ORDER; that** no hearing was requested; and Respondent's insurance producer license is hereby **REVOKED.**

WITNESS My Hand and Official Seal this 28th day of August, 2011.





PAUL WILKENING
DEPUTY INSURANCE COMMISSIONER
STATE OF OKLAHOMA

CERTIFICATE OF MAILING

I, Julie Meaders, hereby certify that a true and correct copy of the above and foregoing Final Administrative Order was mailed by certified mail with postage prepaid and return receipt requested on this 29th day of August 2011, to:

Scott A. Rosiere
2229 S. Main Street
Grove, OK 74344

CERTIFIED MAIL NO: 7008 1830 0003 9411 8207

and that notification was sent to:

All appointing insurers

and

NAIC/RIRS

and that a copy was delivered to:

Leah Scoles
Licensing Division

and

Rick Wagnon/Jimmy Smith
Investigations Division



Julie Meaders

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT

No Insurance Coverage Provided

7006 1630 0003 9411 6207

For delivery information visit our website at www.usps.com

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| Restricted Delivery Fee (Endorsement Required) | |

Total Postage & Fees

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|------------------------------------|---------------------------------------|
| Sent To | Scott Iosiere |
| Street, Apt. No., or PO Box No. | 2229 S Main Street Provo, UT 84604 |
| City, State, ZIP+4 | 10-0821-DIS (AM) Final Admin (ITd) |



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- 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:

Scott A. Rosiere
2229 S. Main Street
Grove, OK 74344

10-0821-DIS JAM(III Ifinal AdmiJ Ord,

2. Article Number
(transfer from **service** label)

7008 1830 0003 9411 8207

A. Signature D Agent
D Addressee
X

B. Received by (*Printed Name*) C. Date of Delivery

0. Is delivery address **different** from item 17 D Yes
D No
If YES, enter delivery address **below:**

3. Service Type
 Certified Mail D Express Mail
D Registered D Return Receipt for Merchandise
D Insured Mail D C.C.D.

4. Restricted Delivery? (*Extra Fee*) D Yes



John D. Doak
Insurance Commissioner
 Oklahoma Insurance Department
 3625 NW 56th St. Suite 100
 Oklahoma City, OK 73112



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Legal Division

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Scott A. Rosiere
2229 S. Main Street

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