

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
APR 26 2022
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
MICHAEL SHAWN WHITE,)
a resident public adjuster,)
)
)
Respondent.)

Case No. 21-0081-DIS

FINAL ADMINISTRATIVE ORDER

This matter is a proceeding under the Oklahoma Insurance Adjusters Licensing Act, 36 O.S. §§ 6201-6223. The Oklahoma Insurance Department (“OID”) issued a “*Notice of Hearing and Order to Show Cause*” in this matter on or about January 26, 2022, scheduling this matter for hearing on April 6, 2022 at 10:00am. A “*Continuance*” was granted March 3, 2022, rescheduling this matter for hearing on April 15, 2022 at 10:00am.

Following the *Continuance*, the hearing was held before the undersigned Hearing Examiner on April 15, 2022. Petitioner appeared by counsel Antuanya “Bo” DeBose. Respondent appeared pro se. Witnesses were sworn and testified, exhibits were admitted, and argument of the parties heard.

FINDINGS OF FACT

1. Glen Mulready 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. §§ 101-7401, and the Oklahoma Insurance Adjusters Licensing Act, 36 O. S. §§ 6201-6223.

2. Respondent was previously licensed as a resident public adjuster in the State of

Oklahoma, holding license number 40020678. His address of record is 14301 Fontella Lane, Edmond, Oklahoma 73034-9320. Respondent voluntarily surrendered his resident public adjuster license December 22, 2020.

3. Pursuant to 36 O.S. § 6220(B), in addition to any potential denial, censure, suspension, or revocation, any person violating any provision of the Oklahoma Insurance Adjusters Licensing Act may be subject to a civil penalty of not more than \$1,000.00 for each violation.

4. Petitioner afforded Respondent the opportunity for hearing by sending the *Notice of Hearing and Order to Show Cause* by certified mail on January 26, 2022. The *Notice of Hearing and Order to Show Cause* stated the matters asserted, and stated the time, place and nature of the hearing, cited legal authority and jurisdiction, and referred to particular sections of the statutes involved.

5. That the Insurance Commissioner has the authority to render an Order concerning the above styled matter and has lawfully appointed Independent Hearing Examiner, Stephan Mathis, who shall sit as a quasi-judicial officer pursuant to 36 O.S. §319.

6. The hearing was recorded electronically by an employee of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

7. The following exhibit(s) were introduced and admitted:

- a. Petitioner's Exhibit A: Twingo Insurance Repair Work Order
- b. Petitioner's Exhibit B: Jill Wasson Claim Check
- c. Petitioner's Exhibit B-1: Mike and Jill Wasson Claim Check
- d. Petitioner's Exhibit C: Picture of prior Twingo and Adjust a Claim location

- e. Petitioner's Exhibit D: Twinco Articles of Amendment dated 08/21/2020
- f. Petitioner's Exhibit D-1: Twinco Annual Certificate dated 07/30/2020
- g. Petitioner's Exhibit E: Snapshot of Twinco's Facebook page
- h. Petitioner's Exhibit F: Investigator April Moore's letter to Respondent
- i. Petitioner's Exhibit G: Email between OID Licensing and Respondent
- j. Respondent's Exhibit 1: Phone recording of call between Respondent and OID

8. The following witnesses were sworn and testified under oath:

- a. April Moore, OID Anti-Fraud Investigator
- b. Michael Shawn White, Respondent

9. The Anti-Fraud Unit of the Oklahoma Insurance Department ("OID") received a complaint from Farmers Insurance. The complaint alleged that while Respondent was previously the owner of Twinco Contracting ("Twinco"), he directed/referred his customers to Twinco to complete the work for claims he handled as a public adjuster. OID assigned the case to investigator April Moore ("Investigator Moore").

10. Farmers assigned the case to investigator Amy Powers ("Investigator Powers"). The Farmers' investigation revealed four (4) insureds submitted claims to Farmers that were handled by Respondent as the public adjuster. The work on all four (4) claims was conducted by Twinco.

11. During its investigation, Farmers obtained an "Insurance Repair Work Order" from Twinco dated March 3, 2020, which lists Respondent as the "Twinco Rep," with an email address of mike.twingo@gmail.com. (See Testimony of Investigator Moore and Petitioner's Exhibit A)

12. Investigator Moore requested and received all four (4) of the insureds' Farmers

claim checks. Three (3) of the claim checks were deposited by Twinco. (*See* Testimony of April Moore and Petitioner's Exhibit B and B-1)

13. During her investigation, Investigator Moore traveled to the previous location of both Adjust a Claim and Twinco. Investigator Moore discovered that Twinco and Adjust A Claim were previously located in the same building. Additionally, Respondent previously rented an office from Twinco. (*See* Testimony of April Moore, Testimony of Respondent, and Petitioner's Exhibit C).

14. During her investigation, Investigator Moore conducted a search through the Oklahoma Secretary of State website for Twinco. The search revealed that the Annual Certificate for Twinco dated July 30, 2020 was electronically signed by Respondent and lists him as the Owner of Twinco. On August 21, 2020, Articles of Amendment were filed and signed by Respondent and lists his title as the manager of Twinco. (*See* Testimony of Investigator Moore, Testimony of Respondent, and Petitioner's Exhibit D and D-1)

15. Investigator Moore also searched Facebook and found Twinco's Facebook page. Respondent managed the posts for the Twinco Facebook page but was not directly paid by Twinco for creating the posts. The Twinco Facebook page states "Twinco Contracting is a construction company owned by Twin Brothers serving the Oklahoma City & Edmond Area." (*See* Testimony of Investigator Moore and Petitioner's Exhibit E)

16. Investigator Moore reached out to Respondent several times and requested his customer records. Respondent stated he would comply with the request. On December 29, 2020, Investigator Moore sent a certified letter to Respondent, requesting the customer records again. Respondent failed to provide the requested records. (*See* Testimony of Investigator Moore, Testimony of Respondent and Petitioner's Exhibit F)

17. On or about March 26, 2020, prior to Respondent obtaining his public adjuster license, OID sent an email to Respondent asking if he (previously or currently) owned or had a pecuniary interest in any business entity which provides construction or reconstruction related services. Respondent responded but failed to mention his involvement with Twinco. (See Testimony of Investigator Moore and Petitioner's Exhibit G)

18. On December 21, 2020, Investigator Moore conducted a telephone interview of Respondent. Respondent stated he used to work for Twinco, however he did not own Twinco. Respondent stated Matthew White is his twin brother and the owner of Twinco. Investigator Moore asked Respondent about the Secretary of State records listing Respondent as owner and manager of Twinco. Respondent acknowledged he signed the forms, but stated he was unsure how to fill them out correctly. Lastly, Investigator Moore asked Respondent why he did not disclose his involvement with Twinco on his application for public adjuster license submitted to OID. Respondent stated he did not think it was pertinent to include on the application. (See Testimony of Investigator Moore)

19. Pursuant to *36 O.S. §6220(A)(9)*, it is a violation of the Oklahoma Insurance Adjusters Licensing Act for an adjuster to:

- a. Materially misrepresent or commit fraud in obtaining an adjuster's license;
- b. Any cause for which original issuance of a license could have been refused;
- c. Violate any provision of the Insurance Adjusters Licensing Act;
- d. Fail to respond to any inquiry (including electronic communications) from the Department within thirty (30) calendar days of receipt of such inquiry;

20. Pursuant to *36 O.S. §6220(E)*, "the Department shall retain the authority to enforce

the provisions of and impose any penalty or remedy authorized by this title against any person who is under investigation for or charged with a violation even if the person's license or registration has been surrendered or has lapsed by operation of law.”

21. Pursuant to *36 O.S. §6220.1(A)*, “No adjuster may, directly or indirectly, own or have a pecuniary interest in any business entity which provides construction or reconstruction related services on behalf of an insurance claimant or insured for which the adjuster is providing services, nor may the adjuster, directly or indirectly, own or have a pecuniary interest in any other business entity which furnishes any supplies, material, services, or equipment purchased by or on behalf of the claimant or insured in settlement of the claim, other than usual and customary supplies, materials, services, or equipment utilized in the adjusting process.”

22. Pursuant to *36 O.S. §6223(F)*, “A public adjuster shall maintain a complete record of each transaction as a public adjuster for at least five (5) years after the termination of the transaction and the record shall be open to examination by the Department at all times.”

CONCLUSIONS OF LAW

23. Respondent has violated *36 O.S. §6220(A)(1)* by failing to disclose his involvement with Twinco on his resident public adjuster’s application.

24. Respondent has violated *36 O.S. §6220(A)(8)* and *36 O.S. §6223(F)* by failing to maintain a complete record of each transaction conducted as a public adjuster for at least five years.

25. Respondent violated *36 O.S. §6220(A)(10)* by failing to respond to Investigator Moore’s request for customer records within thirty (30) days from receipt of the request.

26. Respondent violated *36 O.S. §6220(A)(8)*, *36 O.S. §6220.1(A)* and *36 O.S.*

§6223(K) by providing public adjuster services for three (3) insureds while also, directly or indirectly, owning or having a pecuniary interest in Twinco, a business entity that furnished services and/or supplies for the same three (3) insureds.

ORDER

IT IS THEREFORE ORDERED that Respondent is hereby **CENSURED** and **FINED** Three Thousand Seven Hundred Dollars (\$3,700.00). Respondent is also ordered to pay the costs of the proceeding in the amount of Three Hundred Seventy-Five Dollars (\$375.00). The fine and costs shall be paid within thirty (30) days of the date of this Final Administrative Order and made payable to the Oklahoma Insurance Department. The fine shall be sent to the Oklahoma Insurance Department located at 400 NE 50th Street, Oklahoma City, Oklahoma 73105.

Dated this 25 day of April 2022.



A handwritten signature in blue ink that reads "Stephan Mathis".

Stephan Mathis
INDEPENDENT HEARING EXAMINER
OKLAHOMA INSURANCE DEPARTMENT

CERTIFICATE OF MAILING

I, Antuanya "Bo" DeBose, hereby certify that a true and correct copy of the above and foregoing Final Administrative Order was mailed by first class U.S. Mail and by certified mail with postage prepaid and return receipt requested on this 26th day of April, 2022 to:

Michael Shawn White
14301 Fontella Lane
Edmond, Oklahoma 73034-9320

CERTIFIED MAIL NO:
9214 8902 0982 7500 0457 19

and that a copy was delivered to: Licensing & Anti-Fraud Division

A handwritten signature in black ink that reads "Antuanya 'Bo' DeBose".
Antuanya "Bo" DeBose