

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

JAN 28 2022

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
GROVE & HARTWELL, INC.,)
a pre-paid funeral benefit permit holder in the)
State of Oklahoma,)
)
Respondent.)

INSURANCE COMMISSIONER
OKLAHOMA

Case No. 21-0671-DIS

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

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, by and through his attorney, Teresa L. Green, and alleges and states as follows:

JURISDICTION

1. Glen Mulready 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.*, including Prepaid Funeral Services and Funeral Service Merchandise Act, *36 O.S. §§ 6121 et seq.*

2. Grove & Hartwell, Inc. d/b/a Tishomingo Funeral Home (“Respondent”) is a pre-paid funeral benefit permit holder in the State of Oklahoma, SBS Number 44201326. Its mailing address of record is 320 W. Main Street, Tishomingo, OK 73460.

3. The Insurance Commissioner may censure, suspend or revoke, and/or may fine any permit holder who violates any provision of the Prepaid Funeral Services and Funeral Service Merchandise Act a civil penalty of not less than \$100.00 and not more than \$1,000.00. *See 36 O.S. § 6130(B).*

FINDINGS OF FACT

4. Pursuant to 36 O.S. § 6129.1, the Insurance Commissioner shall perform a financial examination of each trust that is being maintained pursuant to the Prepaid Funeral Services and Funeral Service Merchandise Act.

5. Pursuant to 36 O.S. § 309.4(D), within thirty (30) days of the issuance of an adopted examination report, the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related order.

6. On or about September 8, 2021, the Oklahoma Insurance Department (“OID”) issued the *Order Adopting Report of Examination* in 21-0296-EXM. This order stated:

IT IS FURTHER ORDERED by the Insurance Commissioner that [Grove & Hartwell, Inc.] shall file with the Oklahoma Insurance Department within thirty (30) days of the date of issuance of this Order, affidavits executed by each of its Directors stating under oath that each Director has received a copy of the adopted Report and this Order.

7. On or about November 11, 2021, the Respondent submitted an undated affidavit.

8. On or about November 15, 2021, the OID requested a corrected affidavit.

9. On or about November 19, 2021, the Respondent submitted an illegible affidavit.

10. On or about November 24, 2021, the Tasha Kempf, the Respondent representative that signed the affidavit, requested the OID disregard the affidavit and that she no longer worked for the Respondent.

11. On or about November 29, 2021, the OID notified the Respondent that the affidavit was still needed.

12. On or about December 15, 2021, the OID received a completed affidavit.

CONCLUSIONS OF LAW

13. Respondent violated *36 O.S. §§ 309.4 and 6130* by failing to submit the required affidavit within thirty (30) days, which was also ordered by the Insurance Commissioner.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that Respondent is **fin**ed in the amount of **ONE HUNDRED DOLLARS (\$100.00)** for the violations of *36 O.S. §§ 309.4 and 6130*. The fine is to be paid within thirty (30) days of receipt of this Order.

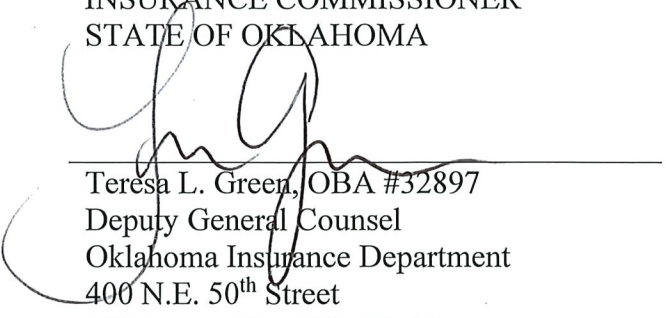
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Findings of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above will become a Final Order on the thirty-first (31st) day following the date of mailing of this Order. A request for hearing should be in writing addressed to Teresa L. Green, Oklahoma Insurance Department, Legal Division, 400 N.E. 50th St., Oklahoma City, OK 73105. A request for hearing must state the grounds for the request to set aside or modify this Order.

Any such hearing will be conducted according to the procedures for contested cases under the Insurance Code and *75 O.S. § 250 et seq.* If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, then this Conditional Order will act as notice of the matters to be reviewed at the hearing, and the Findings of Fact, Conclusions of Law, and penalties imposed in this Conditional Order will be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 27th day of January, 2022.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


Teresa L. Green, OBA #32897
Deputy General Counsel
Oklahoma Insurance Department
400 N.E. 50th Street
Oklahoma City, OK 73105
Telephone: (405) 521-6654
Facsimile: (405) 522-0125

CERTIFICATE OF MAILING

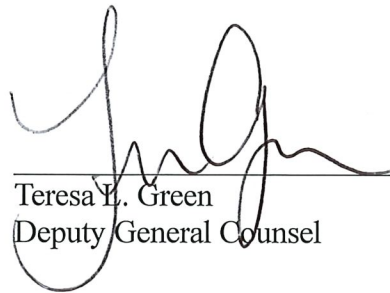
I, Teresa L. Green, hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to be Heard* was sent by certified mail with postage prepaid and return receipt requested on this 28th day of January, 2022, to:

Grove & Hartwell, Inc.
320 W. Main Street
Tishomingo, OK 73460

CERTIFIED MAIL NO.
9214 8902 0982 7500 0438 14

and a copy was delivered to:

RIS Division



Teresa L. Green
Deputy General Counsel



Date Produced: 02/07/2022

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0438 14. Our records indicate that this item was delivered on 01/31/2022 at 10:29 a.m. in TISHOMINGO, OK 73460. The scanned image of the recipient information is provided below.

Signature of Recipient : *Rodger Hartwell*
Rodger Hartwell

Address of Recipient : *320 W Main*

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

GROVE & HARTWELL INC
320 W MAIN ST
TISHOMINGO OK 73460-1727

Customer Reference Number: C3197355.18595759
Return Reference Number SMS/21-0671-DIS (TLG)/Cond Ord



Return address:

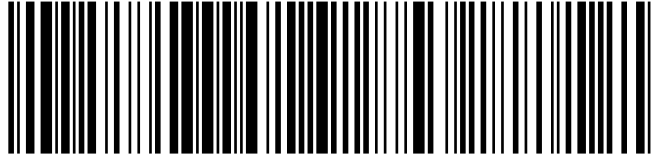
OKLAHOMA INSURANCE DEPARTMENT
5 CORPORATE PLAZA
OKLAHOMA CITY, OK 73112

Recipient address:

GROVE & HARTWELL INC
320 W MAIN ST
TISHOMINGO OK 73460-1727

MAILING DATE: 01/28/2022
DELIVERY DATE: 01/31/2022

USPS CERTIFIED MAIL



9214 8902 0982 7500 0438 14

USPS Tracking Label Number: 9214 8902 0982 7500 0438 14

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	OKLAHOMA CITY,OK 73105	01/28/2022 15:21
SHIPMENT RECEIVED ACCEPTANCE PENDING	OKLAHOMA CITY,OK 73118	01/28/2022 15:48
ORIGIN ACCEPTANCE	OKLAHOMA CITY,OK 73105	01/28/2022 20:22
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DELIVERED LEFT WITH INDIVIDUAL	TISHOMINGO,OK 73460	01/31/2022 10:29

CASE NUMBER: 21-0671-DIS

DEPARTMENT: LEGAL/TLG

SENDER: SMS

CUSTOM 4: CONDITIONAL ADMINISTRATIVE ORDER & NOTICE OF RIGHT TO BE HEARD