

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

**FILED**

MAY 27 2016

INSURANCE COMMISSIONER  
... OKLAHOMA

**STATE OF OKLAHOMA, ex rel. JOHN  
D. DOAK, Insurance Commissioner,** )  
)  
)  
  **Petitioner,** )  
)  
**v.** )  
)  
**OAKHAVEN MEMORIAL GARDENS, a** )  
**provider of a perpetual care fund in the** )  
**State of Oklahoma,** )  
)  
  **Respondent.** )

**Case No. 16-0514-DIS**

**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 counsel, Barron B. Brown, and alleges and states as follows:

**JURSDICTION AND AUTHORITY**

1. John D. Doak 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 et seq., including the Perpetual Care Fund Act, 36 O.S. §§ 7101 through 7112.

2. Oakhaven Memorial Gardens ("Respondent") is a provider of a perpetual care fund in the State of Oklahoma.

3. Pursuant to 36 O.S. § 7110, "[any] person, firm or corporation violating any of the provisions of the Perpetual Care Fund Act shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00)."

**FINDINGS OF FACT**

1. Pursuant to 36 O.S. § 7106(A), Respondent was required to submit its 2015 Perpetual Care Trust Fund Annual Report (the “Perpetual Care Report”) to the Oklahoma Insurance Department (“OID”) by March 15, 2016. Respondent untimely submitted this report to the OID on or about April 22, 2016.

### **CONCLUSIONS OF LAW**

1. Respondent has violated 36 O.S. § 7106(A); by failing to timely file its 2015 Perpetual Care Report with the OID.

### **ORDER**

**IT IS THEREFORE ORDERED** that Respondent has violated 36 O.S. §§ 7106(A) and is hereby **CENSURED** and **FINED TWO HUNDRED AND FIFTY DOLLARS (\$250.00)**. **The \$250.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$250.00 civil fine shall be paid by money order or cashier’s check. Failure to pay the civil fine or request a hearing within thirty (30) days may result in further administrative action.

**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 Barron B. Brown, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> St., 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 27<sup>th</sup> day of May, 2016.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Barron B. Brown", written over a horizontal line.

Barron B. Brown  
Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73112  
(405) 521-2746

**CERTIFICATE OF MAILING**

I, Barron B. Brown, hereby certify that a true and correct copy of the *Conditional Administrative Order and Notice of Right to Be Heard* was mailed by certified mail, with postage prepaid and return receipt requested, on the 27<sup>th</sup> day of May, 2016, to:

Oakhaven Memorial Gardens  
Attn: JD Basler  
801 S. Normal Ave.  
Claremore, OK 74017

**CERTIFIED MAIL NO. 7015 3010 0001 4604 0426**

and a copy was delivered to:

Shanna Johnson  
Financial Division

A handwritten signature in black ink, appearing to read "Barron B. Brown", written over a horizontal line.

Barron B. Brown  
Assistant General Counsel