

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
JUN 19 2018
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner,)
v.)
)
EVERARDO ALVAREZ, a non-resident,)
insurance adjuster,)
)
Respondent.)

Case No. 18-0429-DEN

**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, Sara A. Worten, 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 Everardo Alvarez (“Respondent”) is an applicant for reinstatement of his non-resident insurance adjuster license. His address of record is 8240 N. Mopac Expressway, Suite 110, Austin, Texas.
3. The Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew a license issued pursuant to the Oklahoma Insurance Adjusters Licensing Act and may levy a fine up to \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code, *36 O.S. §§ 6217, 6220(A) and (B).*

ALLEGATIONS OF FACT

1. Respondent submitted an application to reinstate his adjuster license on June 4, 2018.
2. Pursuant to *36 O.S. § 6217* an insurance adjuster license is due for renewal 24 months after its issuance. Oklahoma Insurance Department's records show that Respondent's license became inactive on April 30, 2018 for failing to renew.
3. Respondent continued to adjust losses or negotiate claim settlements from May 1, to June 4, 2018 on 9 matters.
4. It is a violation of the Oklahoma Insurance Adjusters Licensing Act to act as an adjuster with an expired license. *36 O.S. § 6220*.

CONCLUSIONS OF LAW

1. Respondent violated *36 O.S. § 6220(A)(9)* for adjusting losses or negotiating claim settlements arising pursuant to provisions of insurance contracts on behalf of an insurer or insured without proper licensing from the Commissioner from May 1, 2018 to June 4, 2018.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that the Respondent violated *36 O.S. § 6220(A)(9)* and as a result **Respondent is FINED** in the amount of **\$100.00**. **The Fine is to be paid within 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 Allegations of Fact set forth above within 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 day following the date of mailing this Order. A request for hearing must be in writing addressed to Sara A. Worten, 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 will 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 will 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 will be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 19th day of June 2018.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Sara A. Worten", written over a horizontal line.

Sara A. Worten
Assistant General Counsel
3625 NW 56th Street, Suite 100
Oklahoma City, OK 73112
Telephone: (405) 521-2746

CERTIFICATE OF MAILING

I, Sara A. Worten, 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 by certified mail with postage prepaid and return receipt requested on this 19th day of June 2018 to:

Everardo Alvarez
P.O. Box 203010
Austin, TX 78720

**CERTIFIED MAIL NO:
9214 8902 0982 7500 0097 04**

and

Notification was sent to:

All Appointing Insurers/RIRS

and

a copy was delivered to:

Licensing Division


Sara Worten