

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

JUN 06 2023

**INSURANCE COMMISSIONER
OKLAHOMA**

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
TRIPLE PROTECTION AUTO CARE, INC.,)
a registered service warranty association)
in the State of Oklahoma,)
)
Respondent.)

Case No. 23-0144-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 counsel, Andrea M. Golden, 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 Service Warranty Act, 15 O.S. §§ 141.1 *et seq.*

2. Triple Protection Auto Care, Inc., (“Respondent”) is a registered service warranty association in the State of Oklahoma, SBS Number 44201603. Respondent’s mailing address of record is 7200 South Alton Way, Suite A9350, Centennial, Colorado 80112.

FINDINGS OF FACT

3. Pursuant to 15 O.S. § 141.14(A), service warranty associations shall annually, on or before the first day of May, file with the Insurance Commissioner its annual financial statement.

4. Pursuant to 15 O.S. § 141.14(C), the Commissioner may require of licensees, under oath and in the form prescribed by it, quarterly statements or special reports which the

Commissioner deems necessary for the proper supervision of licensees under the Service Warranty Act.

5. Pursuant to 15 O.S. § 141.14(D), fees and assessments received by associations and insurers for service warranties shall be subject to an administrative fee of equal to two percent (2%) of the gross provider fee received on the sale of all service warranties issued in this state during the preceding calendar quarter. The fees shall be paid quarterly to the Insurance Commissioner.

6. Respondent failed to file its 2021 annual financial statement on or before May 1, 2021. As of May 22, 2023, Respondent's 2021 annual financial statement is seven hundred fifty-one (751) days overdue.

7. Respondent failed to file its 2022 annual financial statement on or before May 1, 2022. As of May 22, 2023, Respondent's 2022 annual financial statement is three hundred eighty-six (386) days overdue.

8. On or about June 23, 2021, Respondent untimely submitted its 2021 First Quarter statement and fee. The statement and fee were due April 30, 2021.

9. On or about November 16, 2021, Respondent untimely submitted its 2021 Third Quarter statement and fee. The statement and fee were due October 31, 2021.

10. On or about October 20, 2022, Respondent untimely submitted its 2021 Fourth Quarter statement and fee. The statement and fee were due January 31, 2021.

11. On or about October 20, 2022, Respondent untimely submitted its 2022 First Quarter statement and fee. The statement and fee were due April 30, 2022.

12. On or about October 20, 2022, Respondent untimely submitted its 2022 Second Quarter statement and fee. The statement and fee were due July 31, 2022.

13. Pursuant to 15 O.S. § 141.14(B), the Insurance Commissioner may levy a fine of up to \$100.00 a day for each day an association neglects to file its financial statement in the form and within the time provided by the Service Warranty Act.

CONCLUSIONS OF LAW

14. Respondent violated 15 O.S. § 141.14(A) by not timely submitting its 2021 and 2022 annual financial statements.

15. Respondent violated 15 O.S. § 141.14(C) and (D) on five (5) occasions by failing to timely submit its 2021 First Quarter, Third Quarter, and Fourth Quarter statements and fees and by failing to timely file its 2022 First Quarter and Second Quarter statements and fees.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent is **FINED** in the amount of **THIRTY-FOUR THOUSAND ONE HUNDRED TEN DOLLARS (\$34,110.00)** for the violations of 15 O.S. § 141.14. The fine is to be paid within thirty (30) days of receipt of this Order.

IT IS FURTHER ORDERED that Respondent submit its 2021 annual financial statement and 2022 annual financial statement. The annual financial statements are to be received 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 Andrea M. Golden, 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 6th day of June 2023.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Kimberly
Hunter

Digitally signed by Kimberly
Hunter
Date: 2023.06.05 10:30:21
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Kim Hunter, OBA# 16625
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CERTIFICATE OF MAILING

I 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 via e-mail and by certified mail with postage prepaid and return receipt requested on this 6th day of June 2023, to:

Triple Protection Auto Care, Inc.
7200 South Alton Way
Ste. A9350
Centennial, CO 80112
filings@tripac.net
layne@tripac.net
dharper@tripac.net

CERTIFIED MAIL NO:
9214 8902 0982 7500 0545 51

and a copy was delivered to:

RIS Division



Andrea M. Golden