

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

JUL 11 2023

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
 Petitioner,)
v.)
)
AMERICAN ACCESS CASUALTY COMPANY,)
a foreign insurance company,)
)
 Respondent.)

Case No. 23-0387-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, Antuanya “Bo” DeBose, and alleges and states as follows:

JURISDICTION

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.
2. American Access Casualty Company (“Respondent”), holding NAIC CoCode 10730, is licensed to write property and casualty insurance in the State of Oklahoma. Respondent’s address of record is 2211 Butterfield Road, Downers Grove, Illinois 60515.
3. Pursuant to 36 O.S. § 619(A)(1) and (B), any insurance company violating any provision of the Insurance Code, in addition to or in lieu of any applicable revocation or suspension of certificate of authority, may be subject to a civil penalty of not more than Five Thousand Dollars (\$5,000.00) for each occurrence.

4. If Respondent requests a hearing in writing in this matter, pursuant to OAC 365:1-7-1, the Insurance Commissioner, pursuant to 36 O.S. § 319, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

FINDINGS OF FACT

5. Pursuant to 36 O.S. §6422, “Members of the Market Assistance Association, whether a voluntary or statutory program, shall be required to participate in all assessments and writings of the Association. Failure to participate shall, after notice and opportunity for hearing before the Insurance Commissioner, result in a censure, suspension or revocation of certificate of authority or a civil penalty up to Five Thousand Dollars (\$5,000.00) for each occurrence or by both such penalty and censure, suspension or revocation of certificate of authority.”

6. Respondent’s annual assessment for the Market Assistance Program was due on September 1, 2022. The Oklahoma Insurance Department’s (“OID”) records indicate that payment was not received.

7. On or about January 26, 2023, OID sent Respondent a letter, notifying it of the failure to pay its 2022 annual assessment and requested the payment be made.

8. As of the date of this Order, Respondent has failed to remit payment of its 2022 annual assessment to OID.

CONCLUSIONS OF LAW

9. Respondent has violated 36 O.S. §619(A)(1) and 36 O.S. §6422 by failing to pay its 2022 Market Assistance Association assessment on or before September 1, 2022.

ORDER

IT IS THEREFORE ORDERED that Respondent is **FINED** in the amount of **Five Hundred Dollars (\$500.00)**. The fine shall be submitted to the Oklahoma Insurance Department within thirty (30) days of the date of this Conditional 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. Failure to comply with a proper order of the Commissioner will result in further administrative action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that Respondent remit its 2022 Market Assistance Association assessment to the Oklahoma Insurance Department in the amount of One Hundred Fifty Dollars (\$150.00) within thirty (30) days of the date of this Conditional Administrative Order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless Respondent requests a hearing with respect to the Findings of Fact set forth above within thirty (30) days of the date of this Conditional Order, the penalties set forth above will become a Final Order on the 31st day following the date of mailing this Order. A request for hearing should be in writing and addressed to Antuanya “Bo” DeBose, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds for the request to set aside or modify the Order and must be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq., and the Oklahoma Administrative

Procedures Act, 75 O.S. §§ 250 through 324. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order will act as a 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 shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 11th day of July 2023.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

AS DeBose

Antuanya "Bo" DeBose
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Oklahoma City, Oklahoma, 73105
Tel. (405) 522-4805
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Bo.debose@oid.ok.gov

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Conditional Order* was mailed by regular mail and by certified mail, with postage prepaid and return receipt requested, on this 11th day of July 2023, to:

American Access Casualty Company
2211 Butterfield Road
Downers Grove, Illinois 60515
Lisa.mcguire@kemper.com
clamantia@aains.com

American Access Casualty Company
18450 Summit Ave, Suite 230
Oakbrook Terrace, Illinois 60181

and a copy was delivered to: Financial Division

CERTIFIED MAIL NO:
9214 8902 0982 7500 0555 03

CERTIFIED MAIL NO:
9214 8902 0982 7500 0555 10

AS DeBose

Antuanya "Bo" DeBose