

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 23, 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 17th day of July 2023.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Antuanya "Bo" DeBose
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
Tel. (405) 522-4805
Fax (405) 522-0125
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 17th day of July 2023, to:

Warner Insurance Company
200 East Randolph Street
Chicago, Illinois 60601
Lisa.mcguire@kemper.com
premiumtax@kemper.com

CERTIFIED MAIL NO:
9214 8902 0982 7500 0559 54

and a copy was delivered to:

Financial Division

Antuanya "Bo" DeBose