

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

**FILED**  
SEP 29 2023  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, <i>ex rel.</i> GLEN	)
MULREADY, <i>Insurance Commissioner,</i>	)
	)
<i>Petitioner,</i>	)
	)
vs.	)
	)
EMPOWER HR, LLC, <i>a nonresident</i>	)
<i>professional employer organization,</i>	)
	)
	)
<i>Respondent.</i>	)

Case No.: 23-0503-DIS

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**CONDITIONAL ADMINISTRATIVE ORDER  
AND NOTICE OF RIGHT TO BE HEARD**

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Petitioner, the State of Oklahoma, *ex rel.* Glen Mulready, Insurance Commissioner (“Commissioner”), for this action against Respondent EmPower HR, LLC (“Respondent”), alleges and states as follows:

**JURISDICTION**

1. Respondent has applied to register as a nonresident professional employer organization (“PEO”) in the State of Oklahoma.
2. The Commissioner is charged with enforcing all provisions of the Oklahoma Professional Employer Organization Recognition and Registration Act (the “Act”), OKLA. STAT. tit. 40, §§ 600.1, *et seq.*, and has jurisdiction over this matter. 40 O.S. § 600.9; OAC 365:1-1-3.

**RIGHT TO HEARING**

3. Respondent may request that a hearing be held regarding the allegations asserted in this Conditional Order. 40 O.S. § 600.9; O.A.C. § 365:1-7-1(b).

4. A request for a hearing must be in writing, whether by mail or electronic mail, must state the specific grounds to be relied upon as a basis for setting aside or modifying this Conditional Order, and should be addressed to Seth D. Coldiron, Assistant General Counsel, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105, or, electronically, [seth.coldiron@oid.ok.gov](mailto:seth.coldiron@oid.ok.gov). OAC § 365:1-7-1(a).

5. All hearings are open to the public, and Respondent has a right to appear in person and with counsel to present evidence, examine witnesses, and make oral arguments. 75 O.S. §§ 309(C) & 310(3) & (5); OAC § 365:1-7-4(a)-(b).

6. If a hearing is requested, a person affected thereby may, at his or her expense, request a stenographic record of the proceeding be made by a competent court reporter. 75 O.S. § 309(G); OAC § 365-1-7-5(a).

7. The proceedings shall be conducted in accordance with the Oklahoma Administrative Procedures Act, OKLA. STAT. tit. 75, §§ 250 *et seq.*, and the promulgated rules pertaining to the Administrative Operations of the Oklahoma Insurance Department, OKLA. ADMIN. CODE, §§ 365:1-7-1, *et seq.* 75 O.S. § 309 & 310; OAC §§ 365:1-7-1 – 365:1-7-9.

#### **FINDINGS OF FACT**

8. Respondent has never been registered with the State of Oklahoma as a PEO.

9. On February 17, 2023, Respondent submitted an Initial Application for registration as a nonresident PEO.

10. With its Initial Application, Respondent submitted an Activity Attestation affidavit indicating that it had transacted insurance business without being registered.

11. From May 31, 2022, to February 15, 2023, Respondent transacted Two Million One Hundred Sixty-two Thousand Three Hundred Ninety Dollars and Thirty-nine Cents (\$2,162,390.39) of business on behalf of eighteen (18) clients while not registered.

#### **CONCLUSIONS OF LAW**

12. Respondent violated the Act, OKLA. STAT. tit. 40, § 600.4, by providing, advertising, or holding itself out as providing professional employer services while not registered.

13. The Commissioner may refuse to register, suspend or revoke the registration, or impose administrative fines of not less than One-Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) if the Commissioner finds that the registrant or applicant has violated any provisions of the Act. 40 O.S. § 609.1(1); OAC 365:25-30-4.

#### **CONDITIONAL ORDER**

**IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED** by the Commissioner that Respondent transacted business without a registration in violation of OKLA. STAT. tit. 40, § 600.4, by providing, advertising, or holding itself out as providing professional employer services while unregistered and a **FINE** in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** is, hereby, imposed. The fine **SHALL BE PAID WITHIN THIRTY (30) DAYS** of the date of this Conditional Order. The civil fine shall be paid by money order or cashier's check made payable to the Oklahoma Insurance Department and mailed or delivered to the Oklahoma Insurance Department at 400 NE 50th Street, Oklahoma City, Oklahoma 73105. Failure to comply with a proper order of the Insurance Commissioner will result in further administrative action.

**IT IS, FURTHER, ORDERED, ADJUDGED, AND DECREED** by the 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 this Conditional Order, it and the penalties set forth above will become a Final Order on the thirty-first (31st) day from the date of mailing. If the Respondent timely requests a hearing, this Conditional Order shall serve 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 shall be withdrawn, pending final resolution at the hearing.

**WITNESS** my hand and official seal this 29th day of September 2023.



**GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA**

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*Attorney for Petitioner,  
State of Okla., ex rel. Glen Mulready,  
Ins. Comm'r*

**CERTIFICATE OF MAILING**

I, Seth D. Coldiron, hereby certify that a true and correct copy of the above and foregoing Conditional Order and Notice of Right to be Heard was mailed with postage prepaid, on September 29, 2023 to the following:

*Original via Certified Mail to:*

*Copies delivered to:*

VENSURE EMPLOER SERV.  
Valerie Nielsen, Compliance Mngr.  
1475 S. Price Rd.  
Chandler, AZ 85286

Regulated Industry Services Division

**CERTIFIED MAIL NO:  
7017 1070 0001 1036 9252**

*Copy via Regular Mail to:*

EMPOWER HR, LLC  
Kara Childress, CFO  
7927 Nemco Way, Ste 200  
Brighton, MI 48116

*Respondent,  
EMPower HR, LLC, a nonresident  
professional employer organization*



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**SETH D. COLDIRON**  
ASSISTANT GENERAL COUNSEL