

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

FILED

MAY 20 2011

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,)
)
)
 Petitioner,)
)
 v.)
)
 KAYCI MARIE GANN,)
)
)
 Respondent.)

Case No. 11-0282-DEN

ORDER DENYING LICENSURE

This matter is a denial proceeding under the Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1 *et seq.* The Oklahoma Insurance Department notified Respondent that her application for licensure was denied for providing incorrect, misleading, incomplete, or materially untrue information in the license application. 36 O.S. § 1435.13(A)(1). Petitioner received Respondent's request for a formal administrative hearing before an independent hearing examiner concerning the matter on April 19, 2011.

A hearing was held before the undersigned Hearing Examiner on May 4, 2011. Petitioner appeared by counsel Julie Meaders. Respondent appeared without counsel. Witnesses were sworn and testified, exhibits were presented and argument of counsel heard.

FINDINGS OF FACT

1. The criminal background question on Respondent's electronic application asked: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" "Crime" is defined on the application as both misdemeanors and felonies. The answer to this question was marked

“no”.

2. A background check by the Licensing Division discovered that Respondent received a deferred sentence of larceny of merchandise from a retailer in Case No. CF-2009-372 in Cleveland County on January 6, 2010.

3. Petitioner denied Respondent’s request for licensure due to violation of 36 O.S. § 1435.13(A)(1); providing incorrect and materially untrue information in the application.

4. Petitioner received Respondent’s written request for an administrative hearing on the matter of the denial on April 19, 2011. A hearing was held on May 4, 2011.

6. The Insurance Commissioner appointed Leamon Freeman to hear the case as the independent Hearing Examiner.

7. The Hearing was recorded electronically by employees of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

8. The following exhibits were introduced and admitted:

Petitioner’s Exhibit 1: Respondent’s on-line application;

Petitioner’s Exhibit 2: OSCN Docket Sheet for CF-2009-372;

Petitioner’s Exhibit 3: Felony Information in CF-2009-372;

Petitioner’s Exhibit 4: Judgment and Sentence in CF-2009-372;

Petitioner’s Exhibit 5: Respondent’s letter of appeal.

9. Brandon Cain and Respondent were sworn and testified under oath.

10. The Hearing Examiner heard testimony and entered the following findings

of fact:

a. Brandon Cain testified as to the procedures used in the Licensing Division to process a producer applicant for a license. Cain testified that Respondent answered the criminal background question on her application “no” as to whether she had been convicted of a crime, had a deferred judgment or was currently charged with committing a crime. Cain testified that a background check by the Licensing Division revealed that Respondent currently had a deferred sentencing date for a felony charge.

b. Respondent testified concerning the circumstances of the criminal matter. Respondent testified that she was shopping at Dillard’s Department Store with her brother and his girlfriend. Respondent testified that the group was arrested for shoplifting \$894.49 of merchandise.

c. Respondent was charged with felony larceny of merchandise from a retailer and received a three years deferred sentencing date. She was ordered to pay court costs and fees and complete fifty (50) hours of community service.

CONCLUSIONS OF LAW


Respondent violated 36 O.S. § 1435.13(A)(1), by providing incorrect, misleading and incomplete information in her license application.

ORDER

IT IS THEREFORE ORDERED THAT THE OKLAHOMA INSURANCE DEPARTMENT'S DENIAL OF RESPONDENT'S APPLICATION FOR LICENSURE IS UPHELD.

Done this 18th day of May 2011.




LEAMON FREEMAN
Hearing Examiner
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, OK 73112

CERTIFICATE OF SERVICE

I, Julie Meaders, certify that on the 20th day of May 2011, a copy of this Final Order was sent by certified mail, return receipt requested, to:

Kayci Marie Gann
1817 N. Park Avenue
Shawnee, OK 74804

CERTIFIED MAIL No: **CERTIFIED MAIL NO:**
7008 1830 0003 9412 0019

And a copy was delivered to:

Leah Scoles
Licensing Division



Julie Meaders

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