

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.)
)
WHITNEY SIMPSON,)
)
Respondent.)

Case No. 11-0400-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 on April 6, 2011 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 15, 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 was convicted February 24, 2006 of knowingly concealing stolen property in McClain County. She received a three year suspended sentence and was ordered to pay restitution, fines and costs.

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 15, 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-2005-119;

Petitioner’s Exhibit 3: Felony Information in CF-2005-119;

Petitioner’s Exhibit 4: Judgment and Sentence in CF-2005-119;

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 had been convicted of a felony crime.

b. Respondent testified concerning the circumstances of the criminal matter. Respondent testified that she rented a storage unit and gave her boyfriend Jason the key. Respondent testified that she was unaware that stolen goods were being concealed in the storage unit. Respondent testified that she was charged with knowingly concealing stolen property because she was the individual who rented the unit.

c. Respondent initially received a deferred sentence on August 11, 2005 for the charge. The sentence was thereafter accelerated to a suspended sentence when Respondent and her boyfriend were found to be with additional stolen goods at a later date.

CONCLUSIONS OF LAW

Respondent violated 36 O.S. § 1435.13(A)(1), by providing incorrect, misleading and incomplete information in her license application. Respondent’s conviction of a criminal felony involving dishonesty bars her from the business of insurance pursuant to 36 O.S. § 402.

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.



A handwritten signature in black ink that reads "Leamon Freeman".

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:

Whitney Simpson
8328 NW 110th Street
Oklahoma City, OK 73162

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Leah Scoles
Licensing Division



Julie Meaders

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