

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

**FILED**  
JUN 24 2011  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. )  
DOAK, Insurance Commissioner, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
BRADLEY NUTTY, )  
 )  
Respondent. )

Case No. 11-0526-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 May 11, 2011 that his application for an individual insurance producer license was denied for providing incorrect, misleading, incomplete or materially untrue information in the license application; and having been convicted of a criminal felony. 36 O.S. §§ 1435.13(A)(1) and (6). Respondent requested a formal administrative hearing before an independent hearing examiner concerning the matter on May 25, 2011.

A hearing was held before the undersigned Hearing Examiner on June 21, 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. Respondent submitted an on-line Uniform Application to the Oklahoma Insurance Department on April 22, 2011 for a resident producer license. The criminal background question on the application asks:

“Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?” The question is further clarified by the statement: “Crime includes a misdemeanor, felony or military offense. You may exclude **misdemeanor** traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses.” (Emphasis added).

2. Respondent answered the question “no”. If the question is answered “yes”, the applicant must attach a written statement explaining the circumstances of each incident; a copy of the charging document; and a copy of the official document demonstrating the resolution of the charges or any final judgment.

3. The application has an attestation section for the applicant to certify, under penalty of perjury, that all of the information submitted in the application is true and complete; that submitting false information or omitting pertinent or material information in connection with the application is grounds for license revocation or denial of the license. Respondent clicked “I agree” in the attestation section of the on-line application.

4. A background review of the Oklahoma Supreme Court System (OSCN) by the Licensing Division discovered that Respondent had been charged with a misdemeanor DUI on December 20, 2005 and a felony DUI on December 11, 2008 in Cleveland County. Respondent had been charged with a misdemeanor DUI on May 31, 2001 and a felony DUI on November 10, 2010 in Oklahoma County.

5. By letter dated May 11, 2011, Leah Scoles, Licensing Manager sent Respondent a letter denying his application for failing to disclose the felony DUIs. Respondent thereafter requested an administrative hearing regarding the denial of his

license.

6. Pending the hearing, documentation received from the Cleveland County Court Clerk and the Oklahoma County Court Clerk determined that neither felony was a conviction. The felony in Cleveland County had a deferred sentencing date of October 4, 2014. The felony in Oklahoma County was currently pending.

7. The hearing was held on June 21, 2011.

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

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

10. The following exhibits were introduced and admitted:

- Petitioner's Exhibit 1: Respondent's application for producer license;
- Petitioner's Exhibit 1a: Attestation section of application;
- Petitioner's Exhibit 2: OSCN court docket listing five *State of Oklahoma v. Nutty, Bradley Nolen* cases;
- Petitioner's Exhibit 3: Information in CM-2001-1890;
- Petitioner's Exhibit 4: Judgment & Sentence in CM-2002-1890;
- Petitioner's Exhibit 5: Information in CM-2005-2422;
- Petitioner's Exhibit 6: Judgment & Sentence in CM-2005-2422;
- Petitioner's Exhibit 7: Information in CF-08-1491;
- Petitioner's Exhibit 8: Journal Entry of Deferred Sentencing in CF-08-1491;
- Petitioner's Exhibit 9: Information in CF-2010-7318;
- Respondent's Exhibit 1: Letter from attorney;

Respondent's Exhibit 2: Letter from commanding officer;

Respondent's Exhibit 3: Letter from Department of Veteran Affairs.

11. Respondent and Leah Scoles were sworn and testified under oath.
12. The Hearing Examiner heard testimony and entered the following findings of fact:

a. Evidence was admitted that applicants are required to disclose if they have been convicted of a crime, had a judgment withheld or deferred, or are currently charged with committing a crime. While misdemeanor traffic citations, including misdemeanor driving under the influence (DUI), are not required to be disclosed, felony DUIs must be disclosed on the application.

b. Testimony was presented to the Hearing Examiner that Respondent provided incorrect, misleading and incomplete information in the license application in failing to disclose his felonies and failing to complete his application by producing copies of court records relating to his felonies.

c. Evidence was admitted and testimony was presented that Respondent's pattern of being arrested for driving under the influence of alcohol demonstrated lack of rehabilitation for substance abuse. Respondent's multiple arrests of driving under the influence of alcohol demonstrates irresponsible and untrustworthy behavior which is a threat to the public welfare.

d. Evidence was admitted that Respondent is currently undergoing therapy for his substance abuse.

#### **CONCLUSIONS OF LAW**

Respondent violated 36 O.S. § 1435.13(A)(1), by providing incorrect, misleading

and incomplete information in his license application. Respondent's current lack of rehabilitation demonstrates irresponsibility and untrustworthiness; a violation of 36 O.S. § 1435.13(A)(8).

**ORDER**

**BASED UPON THE FOREGOING, IT IS HEREBY ORDERED THAT THE DENIAL OF THE APPLICATION OF BRADLEY NUTTY BY THE OKLAHOMA INSURANCE DEPARTMENT IS UPHELD AND AFFIRMED.**

Done this 24<sup>th</sup> day of June 2011.



A handwritten signature in black ink, appearing to read "Leamon Freeman".

LEAMON FREEMAN

Hearing Examiner

Oklahoma Insurance Department

3625 NW 56<sup>th</sup> Street, Suite 100

Oklahoma City, OK 73112

**CERTIFICATE OF SERVICE**

I certify that on the 24<sup>th</sup> day of June 2011, a copy of this Final Order was sent by certified mail, return receipt requested, to:

Bradley Nutty  
101 NE 53<sup>rd</sup> Street, #2826  
Oklahoma City, OK 73105

**CERTIFIED MAIL No:** 7008 1830 0003 9411 7910

And a copy was delivered to:

Leah Scoles  
Licensing Division

  
\_\_\_\_\_  
Julie Meaders

7910 9411 0003 1830 7008

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 JUN 24 2011

Sent To: **Bradley Nutty**  
 101 NE 53rd Street #2826  
 Oklahoma City, OK 73105  
 11-0526-DEN/JAM(mt)  
 Ord.Den.Lic.

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Bradley Nutty</i></p> <p>C. Date of Delivery <i>6/25/11</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to: <b>OKLAHOMA INSURANCE DEPARTMENT</b></p> <p><b>RECEIVED</b>  <b>JUN 28 2011</b>  <b>Legal Division</b></p> <p><b>Bradley Nutty</b>  <b>101 NE 53rd Street #2826</b>  <b>Oklahoma City, OK 73105</b>  <b>11-0526-DEN/JAM(mt)</b>  <b>Ord.Den.Lic.</b></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7008 1830 0003 9411 7910</p>
<p>PS Form 3811, February 2004</p>	<p>Domestic Return Receipt 102595-02-M-1540</p>