

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

FILED
DEC 07 2011
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. DOAK, Insurance Commissioner,)
)
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 Petitioner,)
)
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 v.)
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)
 JOHN JASON KRITTENBRINK, a licensed insurance producer,)
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)
)
 Respondent.)

Case No. 11-0958-DIS

CONSENT ORDER

The State of Oklahoma, *ex rel.* John D. Doak, Insurance Commissioner (the "Insurance Commissioner" or "Petitioner"), and the above named Respondent John Jason Krittenbrink ("Respondent" or "Krittenbrink") agree to the entry of this Consent Order and jointly state as follows:

JURISDICTION

1. The Insurance Commissioner has jurisdiction of this cause, pursuant to the Oklahoma Constitution Article VI, § 22, the Oklahoma Insurance Code generally, 36 O.S. §§ 101 et seq., and specifically pursuant to the Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1, et seq.
2. John Jason Krittenbrink is a licensed resident insurance producer holding license 82389. His address of record with the Oklahoma Insurance Department is 1510 S. 12th, Kingfisher, Oklahoma 73750.
3. The Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew a license issued pursuant to the Oklahoma Producer

Licensing Act and/or may levy a fine up to \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code, 36 O.S. § 1435.13(A) and (D).

4. John Jason Krittenbrink has been apprised of his rights including the right to a public hearing and has knowingly and freely waived said rights and enters into this Consent Order as a voluntary settlement to the issues and questions raised in the above captioned case.

AGREED FINDINGS OF FACT

1. The Oklahoma Insurance Department received a complaint from Lorri and Cord West, insurance producers and owners of United West Insurance Group, LLC, in October 2010. The complaint alleged that John Jason Krittenbrink, a licensed insurance producer, misappropriated premium monies from their agency while in the agency's employment.

2. Krittenbrink began working for the agency as a contract employee in November 2008. He was paid a salary of \$500.00 per week. Krittenbrink had access to the agency's operating account beginning in April 2009. While Lorri West usually made the electronic sweeps to pay premiums to insurers, Krittenbrink made sweeps and deposit slips for his own customers. He gave his deposit slips to Cord or Lorri West. Cord West usually made the bank deposits but Lorri occasionally made deposits.

3. Beginning in June 2010, Lorri West became suspicious that Krittenbrink was taking premium payments from customers without depositing the premium amounts in the agency's operating bank account. She noticed that his customers were receiving cancellation notices and that he would sweep the agency operating account to pay the customers' premiums to prevent cancellation of customers' insurance policies. However,

she could not locate the corresponding deposit of the premiums into the agency operating account.

4. During the week of June 21, 2010, customer Brad Shoopman, a Canadian County deputy, came into the agency office and made a cash premium payment on his policy. Shoopman paid \$160.00 to Krittenbrink. Lorri West saw Krittenbrink place the cash in the top drawer of his desk. Lorri West checked the desk drawer several times that week due to her suspicions regarding whether Krittenbrink was embezzling money from the agency. The money was gone when she checked the desk drawer on June 29, 2010.

5. West reviewed the deposit slips for the bank account and could not locate the \$160.00 on any of them. However, the \$160.00 had been swept from the operating account to pay Shoopman's insurer. The Wests later met Shoopman outside the agency and requested that Shoopman make another premium payment to Krittenbrink to confirm their suspicions.

6. Cord West gave Shoopman \$180.00 of his own cash and asked Shoopman to use it as a premium payment to Krittenbrink. Shoopman made the payment to Krittenbrink on July 12, 2010 while no one else was at the agency. Shoopman was given a piece of paper as a receipt for his payment; but it was not from a receipt book. Krittenbrink did not mention Shoopman's visit when the Wests returned later that day. The Wests determined that the operating account was swept for the \$180.00 payment. However, when the deposit slips were reviewed for July 12, 14 and 15, the \$180.00 did not appear on any of them.

7. Krittenbrink went on vacation July 15, 2010 and returned to the agency on July 26, 2010. While he was gone, Cord West removed Krittenbrink's access to the agency operating account. When Krittenbrink returned on July 26, he was confronted that he had

been taking money and he admitted that he had been taking money – a lot more money than Shoopman's - because he was in a financial bind. The Wests terminated Krittenbrink and requested he sign a non-compete agreement. Krittenbrink signed the agreement and promised to pay the money back to the Wests.

8. Lorri West reviewed the agency bookkeeping between April 2009 and July 2010 to determine how much money Krittenbrink had taken. She determined that approximately \$6,552 had been swept from the operating account by Krittenbrink with no money deposited to cover the sweeps. West made a list containing the customers' names, the dates and the amounts of the sweeps.

9. Krittenbrink was interviewed by Department investigators Jackie Johnson and Robert Lee on September 8, 2011 at his new agency, Reliable Insurance Company, located at 4343 NW Expressway, Suite 245, in Oklahoma City, Oklahoma.

10. Krittenbrink admitted taking the cash premium payments from Shoopman and also taking money from other customers without depositing the money into the agency bank account. He stated to investigators Johnson and Lee that he used Shoopman's payments for his vacation and may have deposited other customers' monies into his own banking account. Krittenbrink made full restitution of the amount owed to United West Insurance Group, LLC. on October 27, 2011.

AGREED CONCLUSIONS OF LAW

1. Respondent violated 36 O.S. § 1435.13(A)(4) by improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

2. Respondent violated 36 O.S. § 1435.13(A)(8) by using fraudulent, coercive or dishonest practices and by demonstrating incompetence, untrustworthiness and financial irresponsibility in the conduct of business in this state.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner and **CONSENTED** to by John Jason Krittenbrink that his insurance producer license is hereby **SUSPENDED** for a period of **ONE (1) YEAR**, commencing upon issuance of this Consent Order. John Jason Krittenbrink is also fined in the amount of **ONE-THOUSAND DOLLARS (\$1,000.00)**, made payable to the Oklahoma Insurance Department, in the form of a money order or cashiers check, and due upon execution and return of this Consent Order.

John Jason Krittenbrink agrees that he is completely barred from engaging in the business of insurance for a period of one year. Thereafter, application for a new producer license may be made. Granting approval of the future application is within the discretion of the Insurance Commissioner, pursuant to the Oklahoma Producer Licensing Act, 36 O.S. § 1435.13(A).

John Jason Krittenbrink acknowledges and agrees that the Insurance Commissioner has the right to seek additional penalties – after being given notice and an opportunity for hearing – against him in the event the terms of this Consent Order are breached.

VERIFICATION AND CONSENT

I, John Jason Krittenbrink, state that I have read this Consent Order. The contents and facts set forth in the order are true to the best of my knowledge. I consent to the entry of the Order by the Insurance Commissioner and I waive my right to appeal this Order.



JOHN JASON KRITTENBRINK

STATE OF OKLAHOMA
COUNTY OF Oklahoma

This instrument was acknowledged before me on November 2, 2011
by JOHN JASON KRITTENBRINK



Signature of Notarial Officer

Seal



Notary Public
Title 00016175

My commissions expires:
9-25-12

WITNESS My Hand and Official Seal this 17th day of November, 2011.




JOHN D. DOAK
INSURANCE COMMISSIONER
OKLAHOMA INSURANCE DEPARTMENT




JOHN DAVID MILLER
HEARING EXAMINER

APPROVED:



Julie Meaders
Assistant General Counsel
Oklahoma Insurance Department



Irven R. Box
2621 South Western
Oklahoma City, OK 73109

CERTIFICATE OF MAILING

On this 7th day of December 2011, a true and correct copy of the above and foregoing Consent Order was mailed to:

Irven R. Box
2621 South Western
Oklahoma City, OK 73109
Attorney for Respondent

Notification was sent to:

All Appointing Insurers
NAIC/RIRS

A copy was delivered to:

Licensing Division
Anti-Fraud/Investigations Division



Julie Meaders