

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

FILED
JAN 03 2013
INSURANCE COMMISSIONER
OKLAHOMA

**STATE OF OKLAHOMA, ex rel. JOHN D.
DOAK, Insurance Commissioner,**)
)
)
Petitioner,)
)
v.)
)
LINDA M. DANIEL, a licensed)
insurance producer,)
)
Respondent.)

Case No. 12-0997-DIS

FINAL ADMINISTRATIVE ORDER

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through his attorney, Julie Meaders, and alleges and states as follows:

JURISDICTION

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma and is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq.
2. Linda M. Daniel is licensed by the State of Oklahoma as a resident insurance producer holding license number 149068. Her address of record with the Oklahoma Insurance Department is 8429 E. 81st Street, Apartment 918, Tulsa, Oklahoma 74133.
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. The Insurance Commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by the Oklahoma Producer Licensing Act and

Title 36 of the Oklahoma Statutes against any person who is under investigation for or charged with a violation of the Oklahoma Producer Licensing Act or Title 36 of the Oklahoma Statutes even if the person's license or registration has been surrendered or has lapsed by operation of law. 36 O.S. § 1435.13(F).

5. If the Insurance Commissioner finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to the effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. 75 O.S. §§ 314(C)(2), 314.1, OAC 365:1-7-9(a).

FINDINGS OF FACT

1. Respondent has been a licensed resident producer since November 16, 1998. Her license lapsed October 31, 2012. She thereafter submitted an application for reinstatement of her license on November 6, 2012.

2. 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.”

3. 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. Respondent answered the question “no”. Respondent also answered this question in the negative on previous renewal applications.

4. 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 answered “Agree” in the attestation section of the online application.

5. A background review of the On Demand Court Records (ODCR) by the Licensing Division discovered that Respondent had three felony deferred judgments for embezzlement, a crime of dishonesty, in Creek (Sapulpa) County Case CF-2005-330. Respondent was initially charged on October 24, 2005 and received her consecutive deferred judgments on January 30, 2007 with deferred dates of January 24, 2012, January 24, 2017 and January 25, 2022.

6. The Licensing Division has no record that these crimes were reported within thirty (30) days of the initial pretrial hearing date pursuant to the requirement in 36 O.S. § 1435.18. Nor is there any record that the crimes were ever reported to the Commissioner. The case is still open with an amended application to accelerate the deferred sentencing continued until January 6, 2013.

VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 1435.13(A)(1) by providing incorrect, misleading, incomplete or materially untrue information in the license application.

2. Respondent violated 36 O.S. § 1435.13(A)(2) by violating insurance laws in failing to report the criminal prosecution of the producer to the Insurance Commissioner.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that the **Emergency Order of Suspension Instanter** entered in this matter on November 15, 2012 is a **FINAL ADMINISTRATIVE ORDER**, that no hearing was requested and Respondent's license is hereby **REVOKED**. The fine imposed in the Administrative Order of Suspension Instanter remains due and owing in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)**.

WITNESS My Hand and Official Seal this 3rd day of January 2013.





PAUL WILKENING
FIRST DEPUTY COMMISSIONER
STATE OF OKLAHOMA

CERTIFICATE OF MAILING

I, Julie Meaders, hereby certify that a true and correct copy of the above and foregoing Final Administrative Order was mailed via certified mail with postage prepaid and return receipt requested on this 30th day of January, 2013 to:

Linda M. Daniel
8429 E. 81st Street
Apartment 918
Tulsa, Oklahoma 74133

CERTIFIED MAIL NO: 7006 2760 0005 6606 3374

and that notification was sent to:

NAIC/RIRS
and to all appointing insurers

and that a copy was delivered to:

Licensing Division



Julie Meaders