

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**

NOV 13 2015

INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. )  
JOHN D. DOAK, Insurance Commissioner, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
CHARLES T. PENWRIGHT, a licensed )  
insurance producer in the State of Oklahoma, )  
 )  
AND )  
 )  
CHARLES PENWRIGHT INSURANCE )  
AGENCY, INC., a licensed insurance producer )  
business entity in the State of Oklahoma )  
 )  
 )  
Respondents. )

Case No. 15-0975-DIS

**CONSENT ORDER**

The State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, and Respondents Charles T. Penwright (“Penwright”) and the Charles Penwright Insurance Agency, Inc. (“Penwright Agency”), stipulate to the following facts and applicable laws. The parties consent to the entry of this Order.

**JURISDICTION AND AUTHORITY**

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., including the Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1 et. seq.

2. Respondent Charles T. Penwright (“Penwright”) is licensed by the State of Oklahoma as a resident insurance producer holding license number 0000119675. His address of record with the Oklahoma Insurance Department is 1805 Norwich Place, Yukon, OK 73099.

3. Respondent Charles Penwright Insurance Agency, Inc. (“Penwright Agency”) is licensed by the state of Oklahoma as a resident insurance producer business entity holding license number 0100105119. Penwright Agency’s address of record with the Oklahoma Insurance Department is 351 E Main, Yukon, OK 73099.

4. 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).

5. Informal disposition of this matter may be made by consent order 75 O.S. § 309(E).

#### **STIPULATION OF FACTS**

1. On or about May 22, 2015, the Oklahoma Insurance Department (OID) received two complaints regarding an unlicensed agent selling insurance on the behalf of Penwright and the Penwright Agency. The unlicensed agent is Felix F. Herrera (“Herrera”), a previously licensed insurance producer holding license number 91992, whose license was revoked in 2009 by the OID (OID Case No. 09-1012-DIS).

2. The complaints consisted of a report that stated that Herrera was conducting the business of insurance without a license and signing the name of another licensed agent on the documentation submitted to insurance carriers.

3. The complaints further alleged that Penwright and the Penwright Agency were

aware of Herrera not having a license and still consented to his conducting the business of insurance on behalf of Penwright and the Penwright Agency.

4. On or about July 13, 2015, OID Anti-Fraud Division Investigators Tyler Stiles (“Stiles”) and Lewis Garrison (“Garrison”) conducted a site visit to the Penwright Agency at the address listed with the OID. Garrison questioned Herrera as to the allegations of Herrera conducting the business of insurance after having an insurance producer license revoked by the OID. Herrera admitted to conducting the business of insurance utilizing a former employee’s license. Herrera further stated that Penwright and the Penwright Agency was fully aware of Herrera conducting the business of insurance without an insurance producer license.

5. On or about July 18, 2015, Stiles and Garrison interviewed Penwright at the Oklahoma Insurance Department in regards to Herrera’s admission of conducting the business of insurance without a license. In the course of the interview, Penwright admitted that he had consented to Herrera conducting the business of insurance without a license (after Herrera’s license had been revoked) and had accepted insurance business from him.

### **CONCLUSIONS OF LAW**

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

2. Respondent violated 36 O.S. § 1435.13(A)(12); knowingly accepting insurance business from an individual who is not licensed.

### **ORDER**

**IT IS THEREFORE ORDERED** by the Insurance Commissioner and agreed to by Penwright and the Penwright Agency that both insurance producer licenses at issue shall be

surrendered to the OID in lieu of further administrative action, including revocation, being taken against said licenses by the OID.

WITNESS My Hand and Official Seal on this 13<sup>th</sup> day of November, 2015.



[Signature]  
JOHN MILLER  
HEARING EXAMINER

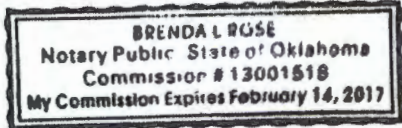
**VERIFICATION AND CONSENT**

I, Charles T. Penwright, 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.

[Signature]  
CHARLES T. PENWRIGHT

STATE OF OKLAHOMA  
COUNTY OF Canadian

This instrument was acknowledged before me on November 4<sup>th</sup>, 2015 by  
CHARLES T. PENWRIGHT



[Signature]  
Signature of Notarial Officer

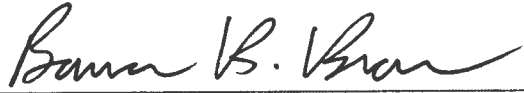
Seal

Admin  
Title

My commission expires: 2-14-17

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APPROVED:



Barron B. Brown  
Assistant General Counsel



William Lewis  
Attorney for Respondents

**CERTIFICATE OF MAILING**

I, Barron B. Brown, hereby certify that a true and correct copy of the above and foregoing *Consent Order* was mailed by electronic mail on this 13<sup>th</sup> day of November, 2015, to:

William M. Lewis  
*Counsel for Respondents*  
[blewis@edmondlawoffice.com](mailto:blewis@edmondlawoffice.com)

and that a copy was delivered to:

NAIC/RIRS

and

Licensing Division  
Anti-Fraud Division



Barron B. Brown