

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**

NOV 09 2015

**INSURANCE COMMISSIONER  
OKLAHOMA**

STATE OF OKLAHOMA, ex rel. )  
JOHN D. DOAK, Insurance Commissioner, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
FELIX F. HERRERA, )  
 )  
 )  
Respondent. )

Case No. 15-0976-UNI

**CONSENT ORDER**

The State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, and Respondent Felix F. Herrera, present 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. Felix F. Herrera ("Herrera") was formerly licensed as an insurance producer holding license 91992. His producer license was revoked on August 20, 2009, for violation of 36 O.S. §§ 1435.13(A)(4) and (8). He later entered into Consent Agreement with the Department on February 24, 2011, fining him \$1,000 for continuing to sell insurance subsequent to his license revocation in violation of 36 O.S. §§ 1435.4(B)

and 1435.13(A)(2). Herrera's address of record with the Oklahoma Insurance Department is P.O. Box 851919, Yukon, Oklahoma 73085.

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

#### **UNCONTESTED FACTS**

1. Herrera has sold, solicited and negotiated insurance policies on behalf of Penwright Insurance Agency. Charles T. Penwright, owner of the agency, knew that Herrera did not hold a producer license but allowed him to sell, solicit and negotiate insurance policies with knowledge of Herrera's license revocation in 2009, in Case No. 09-1012-DIS and his subsequent 2011 fine for selling without a license in Case No. 10-1329-UNI.

2. Two complaints were filed with the Oklahoma Insurance Department on or about May 22, 2015. The complaints alleged that Herrera was conducting the business of insurance without a license using the signature of former employee Dianna Albert and her producer license number 100147325 while employed at the Penwright Agency.

3. On July 13, 2015, Herrera was interviewed by Investigators Tyler Stiles and Lewis Garrison of the Oklahoma Insurance Department Anti-Fraud Unit. Herrera admitted that he was still conducting the business of insurance with the consent of Charles T. Penwright, a licensed insurance producer, and his licensed agency Charles

Penwright Agency Inc. Herrera received commission on his insurance business.

An Emergency Cease and Desist Ordered was issued on September 8, 2015, based upon the Anti-Fraud Unit's investigation, ordering Herrera to cease and desist from all activities related to doing insurance business in this State. The Order also fined Herrera \$5,000.00 for engaging in the business of insurance without the requisite producer license.

#### CONCLUSIONS OF LAW

1. \_\_\_\_\_ Herrera's actions fall within the definition of "doing an insurance business in this State" pursuant to 36 O.S. § 6103.2. No person shall directly or indirectly do any of the acts of an insurance business set forth in §§ 6103.1 through 6103.11, except as provided by and in accordance with the specific authorization of statute. The above-cited conduct is in violation of 36 O.S. §§ 6103.2 and 6103.3.

2. A person shall not sell, solicit or negotiate insurance in this state for any class or classes of insurance unless the person is licensed for that line of authority in accordance with the Oklahoma Producer Licensing Act. 36 O.S. § 1435.4. Herrera violated 36 O.S. § 1435(A)(2) by violation of 36 O.S. § 1435.4(A).

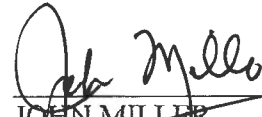
#### ORDER

**IT IS THEREFORE ORDERED** by the Insurance Commissioner and agreed to by Herrera that a **FIVE THOUSAND AND NO/100 DOLLAR (\$5,000.00) FINE** is imposed against Herrera and the payment, in the form of a cashier's check or money order, may be paid in monthly installments of \$500.00, paid to the Oklahoma Insurance Department, until said fine is paid in full. The payments shall reference Herrera's case number 15-0976-UNI and shall be mailed to the attention of Julie Meaders, Deputy

General Counsel, 3625 NW 56<sup>th</sup> Street, Oklahoma City, Oklahoma 73112.


WITNESS My Hand and Official Seal on this 6<sup>th</sup> day of November, 2015.



  
JOHN MILLER  
HEARING EXAMINER

**VERIFICATION AND CONSENT**

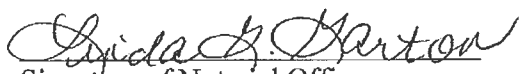
I, Felix F. Herrera, state that I have read this Consent Order. The contents and facts set forth in the order are true to the best of my knowledge. I consent to the entry of the Order by the Insurance Commissioner and I waive my right to appeal this Order.

  
\_\_\_\_\_  
FELIX F. HERRERA

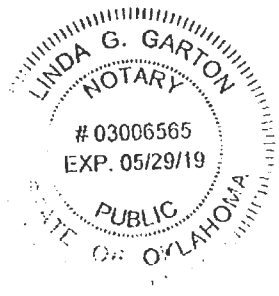
STATE OF OKLAHOMA  
COUNTY OF Oklahoma

This instrument was acknowledged before me on 6<sup>th</sup> of Nov. 2015

by FELIX F. HERRERA

  
\_\_\_\_\_  
Signature of Notarial Officer

Seal



\_\_\_\_\_  
Title


My commission expires:  
5/29/19

APPROVED:



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Julie Meaders  
Deputy General Counsel



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William Bock  
Attorney for Felix Herrera

**CERTIFICATE OF MAILING**

I, Julie Meaders, hereby certify that a true and correct copy of the above and foregoing Consent Order was mailed on this 9<sup>th</sup> day of November, 2015, to:

William H. Bock  
Michelle L. Green  
6402 N. Santa Fe Avenue,  
Suite A  
Oklahoma City, OK 73116  
**ATTORNEYS FOR RESPONDENT  
FELIX F. HERRERA**

and that a copy was delivered to:

NAIC/RIRS

and

Licensing Division  
Anti-Fraud Division

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