

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

**FILED**  
SEP 24 2015  
INSURANCE COMMISSIONER  
OKLAHOMA

**STATE OF OKLAHOMA, ex rel. JOHN  
DOAK, Insurance Commissioner,**

**Petitioner,**

**v.**

**BRIAN BERRY,  
a licensed resident insurance  
producer,**

**Respondent.**

**Case No. 15-1096-DEN**

**CONDITIONAL ADMINISTRATIVE ORDER  
AND NOTICE OF RIGHT TO BE HEARD**

**COMES NOW** the State of Oklahoma, ex rel. John Doak, Insurance Commissioner, by and through his attorney, Dan R. Byrd, and alleges and states as follows:

**JURISDICTION**

1. John 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. Respondent is a licensed resident insurance producer in the State of Oklahoma holding license number 100182898, NPN number 17190813. Respondent's address of record is Pioneer Financial Group, 8519 S. 100<sup>th</sup> East PL, Tulsa, OK 74133-4504.

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).

### **ALLEGATIONS OF FACT**

1. Respondent applied for a renewal of his resident insurance producer license on or about September 8, 2015 with the Oklahoma Insurance Department (OID). On the application form, question 1B asks the following: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department?"

2. Respondent answered "Yes" to question 1B and disclosed his prior criminal history in the license application. The prior criminal history disclosed by Respondent in his license application included a DUI Felony Charge in Oklahoma County District Court Case No. CF-2015-1150 and a DUI Felony Charge in Tulsa County District Court Case No. CF-2014-4368.

3. Respondent did not report the DUI Felony charge in Oklahoma County District Court Case No. CF-2015-1150 nor the DUI Felony charge in Tulsa County District Court Case No. CF-2014-4368 and include a copy of the initial complaints filed, the orders resulting from the hearings and any other relevant legal documents in his reports within thirty (30) days of the Felony charges initial pretrial hearing dates as required by 36 O.S. § 1435.18(B).

### **ALLEGED VIOLATIONS OF LAW**

1. Respondent has violated 36 O.S. § 1435.18(B); for failing to report the DUI Felony charge in Oklahoma County District Court Case No. CF-2015-1150 and the

DUI Felony charge in Tulsa County District Court Case No. CF-2014-4368 and include a copy of the initial complaints filed, the orders resulting from the hearings and any other relevant legal documents in his reports within thirty (30) days of the Felony charges initial pretrial hearing dates.

### **ORDER**

**IT IS THEREFORE ORDERED** by the Insurance Commissioner that Brian Berry is **FINED ONE HUNDRED FIFTY DOLLARS (\$150.00)** for failing to report the DUI Felony charge in Oklahoma County District Court Case No. CF-2015-1150 and the DUI Felony charge in Tulsa County District Court Case No. CF-2014-4368 and include a copy of the initial complaints filed, the orders resulting from the hearings and any other relevant legal documents in his reports within thirty (30) days of the Felony charges initial pretrial hearing dates. **The \$150.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$150.00 civil fine shall be paid by money order or cashier's check. Respondent's renewal application for a resident insurance producer license may be granted upon receipt of payment of the fine, provided that he has met all other requirements for such license. Failure to pay the civil fine or request a hearing within thirty (30) days will result in your renewal license application being withdrawn.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first day following the date of mailing this

Order. A request for hearing should be in writing addressed to Dan R. Byrd, Assistant General Counsel, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under the Insurance Code and 75 O.S. § 250-323. If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as notice of the matters to be reviewed at the hearing, and the Allegations of Fact, Alleged Violations of Law, and penalties imposed in this Conditional Order shall be considered withdrawn, pending final resolution at the hearing.

**WITNESS** My Hand and Official Seal this 24<sup>th</sup> day of September, 2015.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Dan R. Byrd", is written over a horizontal line.

Dan R. Byrd  
Assistant General Counsel  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma, 73112  
Tel. (405) 522-6330  
Fax (405) 522-0125



**CERTIFICATE OF MAILING**

I, Dan R. Byrd, hereby certify that a true and correct copy of the above and foregoing Conditional Administrative Order and Notice of Right to be Heard was mailed by certified mail, with postage prepaid and return receipt requested, on this 24<sup>th</sup> day of September, 2015, to:

Brian Berry  
Pioneer Financial Group  
8519 S. 100<sup>th</sup> East PL.  
Tulsa, OK 74133-4504

**CERTIFIED MAIL NO.**

**7015 0640 0004 4933 6329**

and a copy was delivered to:

Karen Wojtek and  
Courtney Phipps  
Licensing Division



---

Dan R. Byrd  
Assistant General Counsel

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

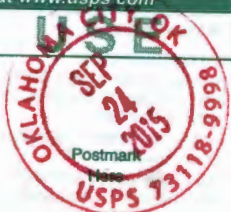
For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee \$ \_\_\_\_\_

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____



Postage \$ \_\_\_\_\_

Total Postage and Fees \$ \_\_\_\_\_

Sent To \_\_\_\_\_

Street and Apt. No., or PO Box \_\_\_\_\_

City, State, ZIP+4® \_\_\_\_\_

Brian Berry  
 Pioneer Financial Group  
 8519 S. 100TH East Pl.  
 Tulsa, OK 74133-4504  
**15-1096-DIS/DRB(mt)**  
 (Cond.Admin.Ord. ~9-24-15)

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7015 0640 0004 4933 6329

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brian Berry  
 Pioneer Financial Group  
 8519 S. 100TH East Pl.  
 Tulsa, OK 74133-4504  
**15-1096-DIS/DRB(mt)**  
 (Cond.Admin.Ord. ~9-24-15)



9590 9403 0272 5155 1364 60

2. Article Number (Transfer from service label)

7015 0640 0004 4933 6329

PS Form 3811, April 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature **X** *Brian Berry* ☐ Agent ☐ Addressee

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery **10-01**

D. Is delivery address different from item 1? ☐ Yes ☐ No

YES, enter delivery address below: \_\_\_\_\_

OKLAHOMA INSURANCE DEPARTMENT  
 OCT 08 2015

Local Division

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail <sup>TM</sup>
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation <sup>TM</sup>
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Domestic Return Receipt