

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

FILED  
DEC 23 2015  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN DOAK, Insurance Commissioner,  
Petitioner,  
v.  
TOBY J. WALKER,  
an applicant for a resident insurance producer license,  
Respondent.

Case No. 15-1402-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 an applicant for a resident insurance producer license in the State of Oklahoma. Respondent's address of record is 2720 NW 111<sup>th</sup>, Oklahoma City, OK 73120.
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 resident insurance producer license on or about December 18, 2015 with the Oklahoma Insurance Department (OID). On the application form, question 1A asks the following: “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?” Respondent answered “no” to this question.

2. The application provides that individual applicants can only exclude “the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license.” Applicants are also permitted to “exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).”

3. An On Demand Court Records (ODCR) background check by the OID Licensing Division showed that Respondent had the following on his record in the State of Oklahoma: a negotiated plea of guilty to two (2) criminal felony charges for possession of a controlled dangerous substance – cocaine and marijuana in Oklahoma County District Court Case No. CF-2013-6996 with both offenses occurring on or about July 25, 2013. On January 26, 2015 Respondent received deferred judgment until January 25, 2019 on the two (2) criminal felony charges, plus he was ordered to pay fines and court costs. Respondent did not disclose this prior criminal history in the license application.

### ALLEGED VIOLATIONS OF LAW

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

### ORDER

**IT IS THEREFORE ORDERED** by the Insurance Commissioner that Toby Walker is **FINED TWO HUNDRED DOLLARS (\$200.00)** for providing incorrect, misleading, incomplete or materially untrue information in the license application. **The \$200.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$200.00 civil fine shall be paid by money order or cashiers check. Respondent's application for a resident insurance producer license may be granted upon receipt of payment of the fine and reporting of the administrative action. Failure to pay the civil fine or request a hearing within thirty (30) days will result in your 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, 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 23<sup>rd</sup> day of December, 2015.



JOHN DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Dan R. Byrd", is written over a horizontal line. The signature is stylized and somewhat illegible.

Dan R. Byrd  
Assistant General Counsel  
3625 NW 56<sup>th</sup> St., Suite 100  
Oklahoma City, OK 73112

**CERTIFICATE OF MAILING**

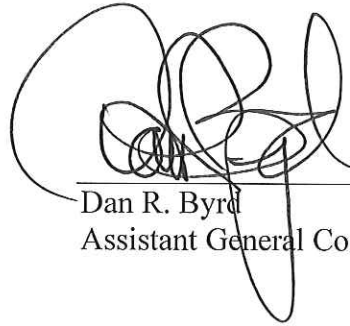
I, Dan R. Byrd, hereby certify that a true and correct copy of the above and foregoing Conditional Administrative Order and Notice of Right to be Heard was mailed by certified mail, with postage prepaid and return receipt requested, on this 23rd day of December, 2015, to:

Toby J. Walker  
2720 NW 111<sup>th</sup>  
Oklahoma City, OK 73120

**CERTIFIED MAIL NO. 7015 0640 0002 7406 3537**

and a copy was delivered to:

Karen Wojtek  
Licensing Division

A handwritten signature in black ink, appearing to read 'Dan R. Byrd', is written over a horizontal line. The signature is highly stylized and cursive.

Dan R. Byrd  
Assistant General Counsel

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

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

**OFFICIAL USE**

7015 0640 0002 7406 3537

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

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

Return Receipt (hardcopy) \$ \_\_\_\_\_

Return Receipt (electronic) \$ \_\_\_\_\_

Certified Mail Restricted Delivery \$ \_\_\_\_\_

Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_



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

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

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

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

City, State, ZIP+4® \_\_\_\_\_

Toby J. Walker  
2720 NW 111TH  
Oklahoma City, OK 73120  
15-1402-DIS/DRB(mt)  
(Cond.Ad.Ord. & Notice~12-23-15)

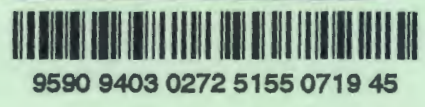
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**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

Toby J. Walker  
2720 NW 111TH  
Oklahoma City, OK 73120  
15-1402-DIS/DRB(mt)  
(Cond.Ad.Ord. & Notice~12-23-15)



2. Article Number (Transfer from service label)

7015 0640 0002 7406 3537

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name) \_\_\_\_\_ Date of Delivery \_\_\_\_\_

C. Is delivery address different from item 1?  Yes  No

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

RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT  
DEC 23 2015  
Legal Division

3. Service Type

Adult Signature  Priority Mail Express®

Adult Signature Restricted Delivery  Registered Mail™

Certified Mail®  Registered Mail Restricted Delivery

Certified Mail Restricted Delivery  Return Receipt for Merchandise

Collect on Delivery  Signature Confirmation™

Collect on Delivery Restricted Delivery  Signature Confirmation Restricted Delivery

Insured Mail  Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt