

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

FILED

FEB 03 2016

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN DOAK, Insurance Commissioner,
Petitioner,
v.
MARVIN DANIEL BARLEY III,
an applicant for renewal of a resident insurance producer license,
Respondent.

Case No. 16-0126-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, Barron B. Brown, 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. Marvin Daniel Barley III (“Respondent”) is an applicant for renewal of a resident insurance producer license in the State of Oklahoma. Respondent was first licensed as an Oklahoma insurance producer in 2006. Respondent’s address of record is BFM, 2001 N. Willow Ave., Broken Arrow, Oklahoma 74012-9109.

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 (36 O.S. §1435.1 et seq.) 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 renewal of a resident insurance producer license on or about February 1, 2016 with the Oklahoma Insurance Department (OID). On the application form, question 1A asks the following: “Have you been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor, which has not been previously reported to this insurance department. Respondent answered “yes” to this question.

2. 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 previously been reported to this insurance department?” Respondent answered “yes” to this question.

3. 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).”

4. As part of Respondent’s renewal application, he submitted court documentation showing the following: a plea of guilty to a criminal misdemeanor charge for violation of a protective order in the State of Oklahoma, which resulted in the entry of a court order withholding a finding of guilt and deferring sentencing for one (1) year (Tulsa County, Case No. CM-2014-6638); a plea of guilty to a criminal felony charge for domestic assault & battery by strangulation in the State of Oklahoma, which resulted in the entry of a court order withholding a

finding of guilt and deferring sentencing for five (5) years on or about June 16, 2015 (Tulsa County, Case No. CF-2014-6390).

5. 36 O.S. § 1435.18(B) provides as follows: “[within] thirty (30) days of the initial pretrial hearing date, a producer shall report to the Insurance Commissioner any criminal prosecution of the producer taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing and any other relevant legal documents.”

6. Based on OID records, Respondent, who was actively licensed as an Oklahoma insurance producer during the relevant time period in which he was charged with the criminal offenses listed above, failed to timely report either of the aforementioned criminal prosecutions to the OID as required by 36 O.S. § 1435.18(B).

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 1435.18(B); by failing to timely report to the Insurance Commissioner any criminal prosecution of the producer taken in any jurisdiction within thirty (30) days of the initial pretrial hearing date.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent is **FINED ONE HUNDRED AND FIFTY DOLLARS (\$150.00)** for failing to timely report to the Insurance Commissioner any criminal prosecution of the producer taken in any jurisdiction within thirty (30) days of the initial pretrial hearing date. **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 application for renewal of 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 Barron Brown, Oklahoma Insurance Department, Legal Division, 3625 NW 56th 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 4th day of February, 2016.



JOHN DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Barron B. Brown

Barron B. Brown
Assistant General Counsel
3625 NW 56th St., Suite 100
Oklahoma City, OK 73112

CERTIFICATE OF MAILING

I, Barron B. Brown, 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 regular mail and by certified mail, with postage prepaid and return receipt requested, on this 4th day of February, 2016, to:

Marvin Daniel Barley III
BFM
2001 N. Willow Ave.
Broken Arrow, OK 74012-9109

CERTIFIED MAIL NO. 7015 0640 0002 7406 6309

and a copy was delivered to:

Karen Wojtek
Licensing Division



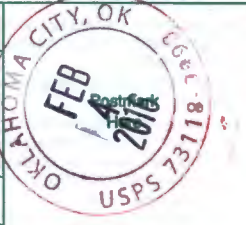
Barron B. Brown
Assistant General Counsel

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Sent To **BFM**
 ATTN: Marvin Daniel Barley III
 2001 N. Willow Ave.
 Broken Arrow, OK 74012-9109
 rlg/16-0126-DEN(BBB)/Cond. Adm. Ord.
 City, State, ZIP+4®
 PS Form 3800, April 2015 PS

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:
 BFM
 ATTN: Marvin Daniel Barley III
 2001 N. Willow Ave.
 Broken Arrow, OK 74012-9109
 rlg/16-0126-DEN(BBB)/Cond. Adm. Ord.



9590 9403 0272 5155 0718 53

2. Article Number (Transfer from service label)
 7015 0640 0002 7406 6309

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Debra Evans Addressee
 B. Received by (Printed Name) *Debra Evans* C. Date of Delivery *2-8-16*
 D. Is delivery address different from item 1? Yes
 if YES, enter delivery address below: No
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 Legal Division

3. Service Type
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 Collect on Delivery Signature Confirmation™
 Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

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

Domestic Return Receipt

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