

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

FEB 22 2016

INSURANCE COMMISSIONER
OKLAHOMA

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

Petitioner,

v.

LEONTEZ KYLE ARBERTHA, Applicant
For an Oklahoma Insurance Producer License,

Respondent.

Case No. 16-0130-DEN

ORDER OF LICENSE PROBATION

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through his undersigned counsel, and alleges and states:

JURISDICTION

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma (“the Insurance Commissioner”) 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. Leontez Kyle Arbertha (“Mr. Arbertha” or “Respondent”) is an applicant for an Oklahoma resident insurance producer license. His mailing address of record is 3735 West Main Street, Oklahoma City, Oklahoma 73072.

FINDINGS OF FACT

1. On or about January 28, 2016, Respondent applied for a resident insurance producer license with the Oklahoma Insurance Department (“the Department”).

2. Question 1(A) in the Oklahoma producer license application form asks in pertinent part: “Have you ever been convicted of a misdemeanor had a judgment withheld or

deferred, or are you currently charged with a misdemeanor?” Respondent answered this question “NO.” Mr. Arbertha admitted he intentionally furnished an untrue answer. By way of explanation and excuse, he stated he failed to answer the question “YES” because the misdemeanor was stale and it did not come up on a recent employer’s background check.

3. If Question 1(A) is answered “YES,” the Applicant must provide a written statement explaining the circumstances of the incident(s); a copy of the charging document; and a copy of the official document demonstrating resolution of the charges or any final judgment.

4. Respondent complied and provided information to the Department about his conviction for misdemeanor embezzlement of \$272.00 (shoplifting) in Cleveland County, Oklahoma, District Court Case CM-10-3856. Respondent was eighteen years old when he committed this misdemeanor, and the offense occurred six years ago.

5. The court records show Respondent pled guilty to this misdemeanor count, and received twenty hours of mandatory community service to complete, was directed to make restitution and ordered to pay various court fees and costs. The court documents show Respondent completed all sentencing requirements and his misdemeanor case was disposed of as a Deferred Guilty Plea on March 3, 2011.

CONCLUSIONS OF LAW

1. 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 for each occurrence of a violation of the Oklahoma Insurance Code. *See* 36 O.S. § 1435.13(A) and (D).

2. Respondent complied with the Oklahoma Insurance Code requirements by eventually disclosing his misdemeanor conviction. This minor offense took place six years ago

when Respondent was a very young man and involved shoplifting merchandise of moderate value. It appears Respondent he has lived an above-board life since committing a misdemeanor of shoplifting at age eighteen.

3. Because Mr. Arbertha failed to reveal the matter initially through his Application, the Insurance Commissioner believes the best course is to grant him only an Oklahoma resident producer license on a probationary basis as an intermediate course.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that Respondent is granted a resident Oklahoma insurance producer license on a probationary status for a period of one (1) year. At the time of Respondent's first renewal of his producer license, his probationary status must and shall be reviewed by the Insurance Commissioner and the probationary status may be removed at that time. When his first Oklahoma renewal is due, the Respondent should contact the Producer Licensing Division of the Department.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order shall be reported as an administrative action.

If Respondent commits a violation of the Oklahoma Insurance Code, his license may thereafter be **REVOKED** necessary and appropriate administrative action.

WITNESS My Hand and Official Seal this, 20th day of February, 2015.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing *Order of License Probation* was mailed via certified mail, with postage prepaid and return receipt requested, on this 22nd day of February, 2016 to:

Leontez Kyle Arbertha
3735 West Main Street
Oklahoma City, OK 73072.

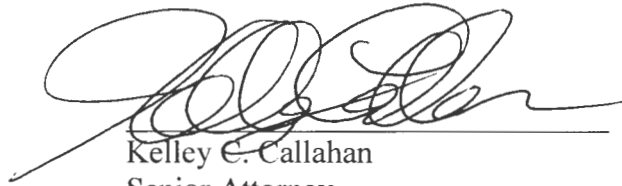
Certified Mail No.
7015 3010 0001 4604 0808

and that Notification was sent to:

NAIC/RIRS

and that a copy was delivered to:

Courtney Phipps
Licensing Division
Oklahoma Insurance Department



Kelley E. Callahan
Senior Attorney
Legal Division/Prepaid Trust Matters
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Adult Signature Restricted Delivery \$

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Leontez Kyle Arbertha
 3735 West Main St.
 OKC, OK 73072
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PS Form 3800, April 2015 PSN

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.

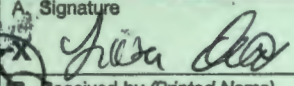
1. Article Addressed to

Leontez Kyle Arbertha
 3735 West Main St.
 OKC, OK 73072
sms/16-0130-DEN/Ord


 9590 9403 0272 5155 0708 25

2. Article Number (Transfer from service label)
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COMPLETE THIS SECTION ON DELIVERY

A. Signature


Agent
 Addressee

B. Received by (Printed Name)
Leontez Arbertha

C. Date of Delivery
2/24/2016

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

OKLAHOMA INSURANCE DEPARTMENT
FEB 26 2016
 Legal Division

3. Service Type

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