

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

SEP 13 2016

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN)
D. DOAK, Insurance Commissioner,)
)
Petitioner,)
)
v.)
)
SHIRMEKA GRIMALDI,)
producer applicant,)
)
Respondent.

Case No. 16-0643-DEN

ORDER DENYING LICENSURE

This matter is a denial proceeding under the Oklahoma Producer Licensing Act. 36 O.S. §§ 1435.1 et seq. The Oklahoma Insurance Department notified Respondent on July 7, 2016, that her application for an individual insurance producer license was denied for providing incorrect, misleading, incomplete or materially untrue information in her license application pursuant to 36 O.S. § 1435.13(A)(1). Respondent requested a formal administrative hearing before an independent hearing examiner concerning the matter on August 4, 2016.

A hearing was held before the undersigned Hearing Examiner on August 31, 2016. Petitioner appeared by counsel Julie Meaders. Respondent appeared pro se. Witnesses were sworn and testified, exhibits were admitted and argument of counsel heard.

FINDINGS OF FACT

1. Respondent submitted an online Uniform Application to the Oklahoma Insurance Department on May 17, 2016, for a resident producer license. The criminal background question on the application asks: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"

2. Respondent answered the question “no”. The license was issued based on the applicant’s answers on the application and the background check finding no criminal action on OSCN under the last name “Grimaldi”. On June 26, 2016, an insurance company inquired why the license was issued when Respondent had undisclosed felony deferred judgments. The Licensing Background check had not discovered these charges because they were found under the last name “Lewis”, another name which Respondent did not disclose on her application.

3. The background review of the Oklahoma Supreme Court System (OSCN) by the Licensing Division discovered that Respondent had felony deferred judgments in Oklahoma County in Case Numbers CF-2009-720 for “Using Access to Computers for the Purpose of Violating Oklahoma Statutes” and “Offering to Engage in an Act of Prostitution”.

4. The Licensing Department inactivated the license and requested the requisite court documents and a letter of explanation on why these charges were not disclosed. Respondent submitted the required court documents and a letter of explanation regarding the circumstances of the deferred judgments.. After review, the Department denied her application for licensure. Respondent thereafter requested a formal administrative hearing on August 4, 2016.

5. The Insurance Commissioner appointed John Miller to hear the case as the independent Hearing Examiner.

6. The hearing was recorded electronically by an employee of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

7. The following exhibits were introduced and admitted:

- Petitioner’s Exhibit A: License Application;

- Petitioner's Exhibit B: OSCN document for Oklahoma County Case CF-2009-720;
- Petitioner's Exhibit C: Information in County Case CF-2009-720;
- Petitioner's Exhibit D: Plea of Guilty and Summary of Facts;
- Petitioner's Exhibit E: Respondent's letter of explanation;
- Petitioner's Exhibit F: Oklahoma County Sheriff's Department Document showing a current Warrant for Arrest of Respondent.

8. Respondent and Karen Wojtek were sworn and testified under oath.

9. The Hearing Examiner heard testimony and entered the following findings of fact:

a. Evidence was admitted and testimony was presented to the Hearing Examiner that an applicant can be denied for failing to disclose criminal background information.

b. Evidence was admitted and testimony was presented to the Hearing Examiner that Respondent failed to disclose her criminal background and currently had a warrant for her arrest for violating terms of her deferred judgment.

CONCLUSIONS OF LAW

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

ORDER

BASED UPON THE FOREGOING, IT IS HEREBY ORDERED THAT THE DENIAL OF THE APPLICATION OF RESPONDENT BY THE OKLAHOMA INSURANCE DEPARTMENT IS SUSTAINED. PURSUANT TO 36 O. S. § 319,

**RESPONDENT IS ORDERED TO PAY THE FEES AND COSTS OF THE HEARING
EXAMINER IN THE AMOUNT OF \$ 93.75.**

Done this 13th day of September, 2016.





JOHN DAVID MILLER
Hearing Examiner
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, OK 73112

CERTIFICATE OF SERVICE

I, Julie Meaders, certify that on the 13th day of September, 2016 a copy of this Final Order was mailed to:

Shirmeka Grimaldi
4800 Mackleman Drive
Oklahoma City, OK 73135

A copy was delivered to:

Licensing Division



Julie Meaders