

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

**FILED**  
OCT 24 2016  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN )  
DOAK, Insurance Commissioner, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ROGER BURKE, )  
an applicant for a resident insurance )  
producer license, )  
 )  
Respondent. )

Case No. 16-0985-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 counsel, Sara A. Worten, 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., including the Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1 through 1435.41.
2. Respondent Roger Burke (“Respondent”) is an applicant for a resident insurance producer license in the State of Oklahoma. Respondent’s mailing address of record is 3145 SW 28<sup>th</sup> Street, Oklahoma City, OK 73108.
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 October 9, 2016, 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 Oklahoma Supreme Court Network (“OSCN”) background check by the OID Licensing Division showed that Respondent had a judgment of sentence deferred for the misdemeanor crime of Possession of a Controlled Dangerous Substance – Marijuana: State of Oklahoma v. Roger Burke, Case Number CM-13-1321.

### 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

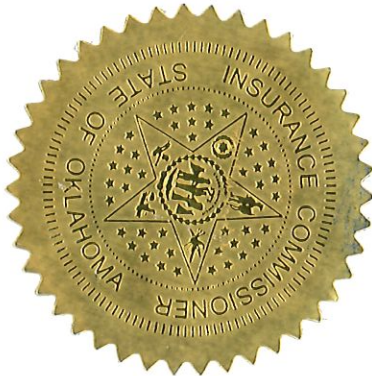
**IT IS THEREFORE ORDERED** by the Insurance Commissioner that Respondent is hereby **CENSURED** and **FINED TWO HUNDRED FIFTY DOLLARS (\$250.00)** for a violation of 36 O.S. § 1435.13(A)(1). **The \$250.00 fine is to be paid within thirty (30) days**

made payable to the Oklahoma Insurance Department. The \$250.00 civil fine shall be paid by money order or cashier's 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 Sara A. Worten, 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 October, 2016.



JOHN DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

Sara A. Worten  
Assistant General Counsel  
3625 NW 56<sup>th</sup> St., Suite 100  
Oklahoma City, OK 73112  
(405) 521-2746

**CERTIFICATE OF MAILING**


I, Sara A. Worten, 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 20<sup>th</sup> day of October, 2016, to:

Roger Burke  
3145 SW 28<sup>th</sup> Street  
Oklahoma City, OK 73108

**CERTIFIED MAIL NO. 7016 0910 0000 5833 3646**

and a copy was delivered to:

Karen Wojtek  
Licensing Division

  
\_\_\_\_\_  
Sara A. Worten  
Assistant General Counsel



7496 6895 0000 0760 9702

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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®

Roger Burke  
3145 SW 28TH Street  
Oklahoma City, OK 73108  
**16-0985-DEN/SAW(mt)**  
**(Cond.Adm.Ord. & Notice ~10-24-16)**

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

Roger Burke  
3145 SW 28TH Street  
Oklahoma City, OK 73108  
**16-0985-DEN/SAW(mt)**  
**(Cond.Adm.Ord. & Notice ~10-24-16)**

Legal Division



2. Article Number (Transfer from service label)

7016 0910 0000 5833 3646

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Ronald Wayne*  Agent

Addressee

B. Received by (Printed Name)

*Ronald Wayne*

C. Date of Delivery

*10-25-16*

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

*Ruby Clement*

*Ruby Clement*

*Ronald Wayne*

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Insured Mail

Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery