

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

FEB 14 2017

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner)
v.)
)
JAMES JOHNSON, an applicant for)
insurance producer license in the State of)
Oklahoma,)
Respondent.)

Case No. 17-0051-DEN

FINAL ADMINISTRATIVE ORDER

This matter is a denial proceeding under the Oklahoma Producer Licensing Act 36 O.S. §§ 1435.1 et seq. and under 36 O.S. § 402(A). The Oklahoma Insurance Department (the “Department”) notified Respondent on January 25, 2017, that his application for an individual insurance producer license was denied for having been convicted of felonies pursuant to 36 O.S. § 1435.13(A)(6) and 36 O.S. § 402(A). Respondent requested a formal administrative hearing before an independent hearing examiner concerning the matter on January 25, 2017

The Hearing was held before the undersigned Hearing Examiner on February 2, 2017. Petitioner appeared by counsel Sara A. Worten. Respondent appeared pro se and waived the notice requirement. 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 January 6, 2017, 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 “yes” and provided the appropriate documentation to the Oklahoma Insurance Department.

3. After review, the Department denied his application for licensure. Respondent thereafter requested a formal administrative hearing.

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

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

6. The following exhibits were introduced and admitted:

- Petitioner’s Exhibit 1: in The State of Texas v. James Romont Johnson in the 291st Judicial District Court of Dallas County, Texas, Case No. F-9543679-U;
- Petitioners Exhibit 2: Judgment in The State of Texas v. James Romont Johnson in the 291st Judicial District Court, Dallas County, Texas Case;
- Petitioner’s Exhibit 3: National Association of Insurance Commissioners (“NAIC”) Uniform Application for Individual Producer License/Registration submitted by Respondent to the Oklahoma Insurance Department.

7. Respondent and Courtney Khodabakhsh were sworn and testified under oath.

8. 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 being convicted of a felony.
- b. Evidence was admitted and testimony was presented to the Hearing Examiner that Respondent was convicted of two felonies in Dallas County, Texas.

CONCLUSIONS VIOLATIONS OF LAW

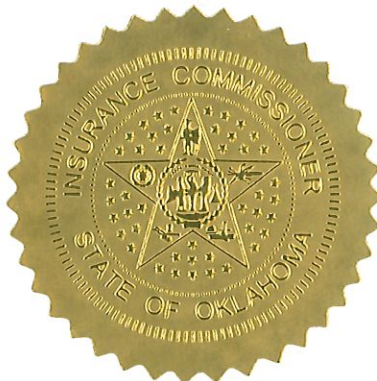
9. Respondent violated 36 O.S. § 1435.13(A)(6); by being convicted of two felonies.


10. 36 O.S. § 402(A) states that no person who has been convicted of any criminal felony involving dishonesty or breach of trust, shall engage or participate in the business of insurance in this state. To grant a license to Respondent would put him in violation of 36 O.S. § 402(A).

ORDER

BASED UPON THE FOREGOING, IT IS HEREBY ORDERED THAT THE DENIAL OF THE APPLICATION OF RESPONDENT BY THE OKLAHOMA INSURANCE DEPARTMENT IS AFFIRMED.

Done this 13th day of February 2017.





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

CERTIFICATE OF MAILING

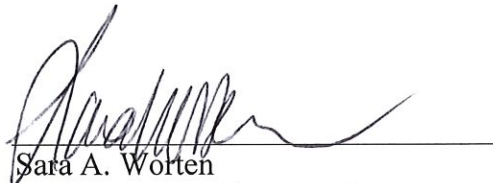
I, Sara A. Worten, hereby certify that on 14th day of February, 2017, a copy of this Final Order was mailed to:

James Johnson
1320 NW 102nd Street
Oklahoma City, OK 73114

CERTIFIED MAIL NO. 7016 0910 0000 8401 1181

and a copy was delivered to:

Licensing Division


Sara A. Worten
Assistant General Counsel

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<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px;"> <p>James Johnson 1320 NW 102nd St. OKC, OK 73114 sms/17-0051-DEN/Admin Ord</p> </div> <p>9590 9402 1900 6104 3975 61</p>	<p>Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF YES, enter delivery address below:</p> <p>RECEIVED OKLAHOMA INSURANCE DEPARTMENT FEB 21 2017 Legal Division</p>
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