

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

FILED

JUL 28 2017

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
)
Petitioner,)
)
vs.)
)
OGDON McDUFFIE, an applicant for a)
resident insurance producer license in the)
State of Oklahoma,)
)
Respondent.)

17-0378-DEN

ORDER

On July 19, 2017, the above entitled cause came on for hearing pursuant to the Notice of Hearing and Order to Show Cause issued by the Insurance Commissioner on June 28, 2017. The State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, appears by counsel, Barron B. Brown, Assistant General Counsel; and, Respondent, Ogdon McDuffie, appears *pro se*.

Petitioner alleges that on or about May 2, 2017, Respondent applied for a Resident Insurance Producer License with the Oklahoma Insurance Department. The application, among other things, inquired of the applicant as to whether he had ever been convicted of a misdemeanor, had a judgment withheld or deferred, or whether he was currently charged with committing a misdemeanor. In addition, the application inquired as to whether the applicant had ever been convicted of a felony, had a judgment withheld or deferred, or whether applicant was currently charged with committing a felony. To both questions, Respondent answered "No."

The evidence established, however, that on or about April 19, 1999, Respondent entered a plea of guilty to one criminal felony count of embezzlement by employee which resulted in the entry of a judgment and sentence, in *State of Oklahoma v. Ogdon McDuffie*, Case No. CF-1997-2979. The

evidence further established the Respondent entered a plea of guilty to one felony count of assault and battery upon a police officer and one misdemeanor count of resisting an officer in *State of Oklahoma v. Ogdon McDuffie*, District Court of Tulsa County, Case No. CF-1998-5043.

As a result, the Insurance Commissioner denied Petitioner's Application for a Resident Insurance License. For reasons set forth herein, the action of the Insurance Commissioner is AFFIRMED.

36 O.S., 2011, §402(A) provides as follows:

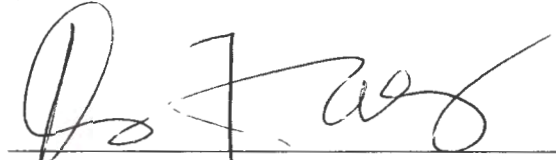
No person who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under Section 1033 of Title 18 of the United States Code, shall engage or participate in the business of insurance in this state or do any of the acts of an insurance business as set forth in Section 4 of this Act.

Section 402(B), however, allows such a person to engage in the insurance business if such person has the written consent of the Insurance Commissioner.

The undersigned finds that embezzlement by employee is a crime involving dishonesty as well as a breach of trust and that the Respondent, Ogdon McDuffie, is thereby prohibited from securing the license he sought. Moreover, there is no evidence that the Insurance Commissioner has given his consent, written or otherwise for Mr. McDuffie to engage in or participate in the insurance business.

For the reasons set forth above, the action of the Insurance Commissioner is, hereby, AFFIRMED and the application of Mr. McDuffie for a Resident Insurance Producer License is hereby DENIED.

Charles F. Alden, III, OBA #0187
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ADMINISTRATIVE LAW JUDGE

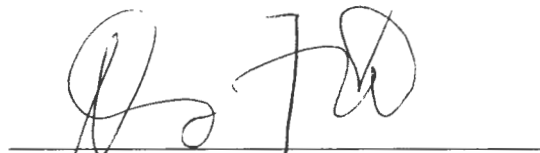
CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July, 2017, I forwarded a true and correct copy of the above and foregoing, via U.S. Main, postage prepaid thereon, to:

Ogdon McDuffie
5409 S. Quincy Ave.
Tulsa, OK 74105

Certified Mail No.
9214 8902 0982 7500 0005 58

John D. Doak, Insurance Commissioner
Barron B. Brown, Assistant General Counsel
3625 N.W. 56th Street, Suite 100
Oklahoma City, OK 73112



Charles F. Alden, III



JOHN D. DOAK
Insurance Commissioner
 Oklahoma Insurance Department
 5 Corporate Plaza
 3625 NW 56th Street, Suite 100
 Oklahoma City, OK 73112-4511

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7/31/17

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OGDON MCDUFFIE
 5409 S QUINCY AVE
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