

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

STATE OF OKLAHOMA, ex rel. JOHN D.)
 DOAK, Insurance Commissioner,)
)
) Petitioner,)
 vs.)
)
)
) BRADLEY MILES NELLIGAN)
) a resident insurance producer,)
) license number 100142917)
) Respondent.)
)

FILED

AUG 18 2017

INSURANCE COMMISSIONER
OKLAHOMA

CASE NO. 17-556-DEN

**CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD**

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through counsel, Sandra G. LaVenue, and alleges and states as follows:

JURISDICTION AND AUTHORITY

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma and as such 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. Bradley Miles Nelligan ("Respondent") is a licensed resident insurance producer, producer license number 100142917, seeking the addition of a variable life/variable annuity line of authority in the State of Oklahoma.

3. Respondent's address of record is 2431 East 61st Street, Suite 650, Tulsa, OK 74136.

4. 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 pursuant to 36 O.S. § 1435.13(A) and (D).

5. If Respondent requests a hearing in writing in this matter, pursuant to OAC 365:1-7-1, the Insurance Commissioner, pursuant to 36 O.S. § 319, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

6. The Insurance Commissioner, pursuant to OAC 365:1-7-5, upon written request reasonably made by a person affected by the hearing and at such person's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.

ALLEGATIONS OF FACTS

7. Respondent has been a licensed resident insurance producer in the state of Oklahoma since October 5, 2012.

8. On July 30, 2015, Respondent was arrested for felony DUI in Tulsa, Oklahoma, case number CF-2015-4336.

9. The preliminary hearing was scheduled for September 15, 2015, during which Respondent waived preliminary hearing and was formally bound over for trial.

10. On September 21, 2015, Respondent entered a guilty plea and the court withheld a finding of guilt. On November 2, 2015, Respondent was assessed a fine and ordered to comply with the terms of a deferred sentence for two (2) years until October 30, 2017.

11. Respondent failed to report the criminal prosecution and the results of the

preliminary hearing to the Oklahoma Insurance Commissioner within thirty (30) days of the preliminary hearing as required by 36 O.S. § 1435.18(B).

12. On July 19, 2017, Respondent submitted an electronic application to OID to add a variable life/variable annuity line of authority to his producer license. On the application form, question 1B asks the following: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?" Respondent answered "no" to this question.

13. The application provides that individual applicants can only exclude "juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)."

14. Respondent failed to report that he was charged with a felony in Tulsa County case CF-2015-4336 within thirty (30) days of the preliminary hearing.

15. Respondent also failed to truthfully answer question 1B in the Application submitted to OID on July 19, 2017, in violation of 36 O.S. § 1435.13(A)(1), wherein it provides that it is a violation of the Producer Licensing Act for a producer to provide incorrect, misleading, incomplete or materially untrue information in a license application.

ALLEGED CONCLUSIONS OF LAW

16. Respondent violated 36 O.S. § 1435.13(A)(1) by providing incorrect, misleading, incomplete or materially untrue information in his license application submitted on July 17, 2017.

17. Respondent violated 36 O.S. § 1435.18(B) by failing to report a criminal felony prosecution against him within thirty (30) days of the preliminary hearing.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent is hereby **CENSURED** and **FINED TWO HUNDRED AND FIFTY DOLLARS (\$250.00)** for a violation of 36 O.S. §§ 1435.13(A)(1) and 1435.18(B). The **\$250.00 fine is to be paid within thirty (30) days** of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department. Respondent's application for an additional line to his resident insurance producer license shall be granted upon receipt of payment of the fine. Failure to pay the civil fine or request a hearing within thirty (30) days will result in license application being withdrawn.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of mailing of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first (31st) day following the mailing of this Order. A request for hearing shall be in writing addressed to Sandra LaVenue, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112. Additionally, the request for hearing shall state the grounds for the request to set aside or modify the Order. The request shall be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S.

§§ 101 et seq., and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 through 323. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as a 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 18th day of August, 2017.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Sandra LaVenue OBA# 13372
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112
(405) 521-2746

CERTIFICATE OF MAILING

I, Sandra LaVenue, 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 18th day of August, 2017, to:

Bradley Miles Nelligan
2431 East 61st Street
Suite 650
Tulsa, OK 74136

CERTIFIED MAIL NO. 7016 2140 0000 3510 7768

and a copy was delivered to:

Karen Wojtek
Licensing Division



Sandra LaVenue
Senior Counsel

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE



Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

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® _____

Bradley Miles Nelligan
 2431 East 61st Street
 Sutie 650
 Tulsa, OK 74136
sms/17-0556-DEN/Cond Ord

PS Form 3800, April 2015 PSN 7530-02-000-9053

7016 2140 0000 3510 7768

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.

COMPLETE THIS SECTION ON DELIVERY

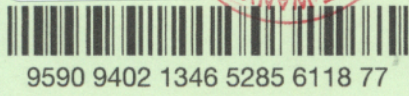
A. Signature [Signature] Agent Address

B. Received by (Printed Name) _____ C. Date of Delivery _____

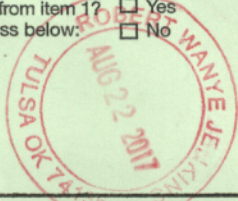
1. Article Addressed to: _____

Is delivery address different from item 1? Yes No

Bradley Miles Nelligan
 2431 East 61st Street
 Sutie 650
 Tulsa, OK 74136
sms/17-0556-DEN/Cond Ord



RECEIVED OKLAHOMA INSURANCE DEPARTMENT
 AUG 24 2017
 Legal Division



2. Article Number (Transfer from service label)
7016 2140 0000 3510 7768

3. Service Type

Adult Signature Priority Mail Express®

Adult Signature Restricted Delivery Registered Mail™

Certified Mail® Registered Mail Restricted Delivery

Certified Mail Restricted Delivery Return Receipt for Merchandise

Collect on Delivery Signature Confirmation™

Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery

Insured Mail Signature Confirmation Restricted Delivery (over \$500)

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt