

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

FILED
OCT 13 2017
INSURANCE COMMISSIONER
OKLAHOMA

**STATE OF OKLAHOMA, ex rel. JOHN D.
DOAK, Insurance Commissioner,**)
)
)
Petitioner,)
vs.)
)
CINDY LU BAILEY,)
an applicant for a resident insurance producer)
license,)
)
Respondent.)

CASE NO. 17-0717-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 his attorney, Lisa M. Torneten, 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. Cindy Lu Bailey (“Respondent”) is an applicant for a resident producer license in the State of Oklahoma. Respondent’s mailing address of record is 11419 E. 163rd Street N. Collinsville, Oklahoma 74021.
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 pursuant to 36 O.S. §§ 1435.13(A) and (D).

ALLEGATIONS OF FACTS

1. Respondent submitted an application for a resident motor service club license with the Oklahoma Insurance Department (the “Department”) on October 5, 2017.

2. On the application form, question 1(a) 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.

3. The only allowable exclusions are “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. You may also exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).”

4. A background check conducted by the Department Licensing Division showed that Respondent had the following criminal action listed on its record: a misdemeanor conviction for obtaining merchandise by false pretense in Tulsa County, case number CF-1994-3183. Accordingly, Respondent did not properly disclose the aforementioned administrative action on the license application.

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, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent is hereby **FINED TWO HUNDRED AND FIFTY DOLLARS (\$250.00)** for violation of 36 O.S. § 1435.13(A)(1). 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. License will be issued upon payment of the fine.

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 day following the mailing of this Order. A request for hearing shall be in writing addressed to Lisa M. Torneten, 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 13TH day of October, 2017.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in cursive script, appearing to read "Lisa M. Torneten".

Lisa M. Torneten
Oklahoma Insurance Department
3625 NW 56th Street, Suite 100
Oklahoma City, Oklahoma 73112
(405) 522-6330
(405) 522-1250 Fax

CERTIFICATE OF MAILING

I, Lisa M. Torneten, 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 13TH day of October, 2017, to the following:

Cindy Bailey
11419 E. 163rd St. N.
Collinsville, Oklahoma 74021

CERTIFIED MAIL NO. 7016 2140 0000 3511 1932

and a copy was delivered to:

Karen Wojtek
Licensing Division

A handwritten signature in cursive script, appearing to read "Lisa M. Torneten".

Lisa M. Torneten
Assistant General 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 \$ _____

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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 No. _____

City, State, ZIP+4® _____

Cindy Bailey
 11419 E. 163rd St. N.
 Collinsville, OK 74021
 17-0717-DEN/LMT(mt)
 (Cond.Adm.Ord. & Notice ~10-13-17)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 2140 0000 3511 1932

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.

1. Article Addressed to:

Cindy Bailey
 11419 E. 163rd St. N.
 Collinsville, OK 74021
 17-0717-DEN/LMT(mt)
 (Cond.Adm.Ord. & Notice ~10-13-17)

9590 9402 3299 7196 6619 86

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

Cindy Bailey

B. Received by (Printed Name) *Cindy Bailey* C. Date of Delivery *10-17-17*

RECEIVED

Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

OCT 20 2017

Legal Division

3. Service Type

Priority Mail Express®

Adult Signature Registered Mail™

Adult Signature Restricted Delivery Registered Mail Restricted Delivery

Certified Mail® Return Receipt for Merchandise

Certified Mail Restricted Delivery Signature Confirmation™

Collect on Delivery Signature Confirmation Restricted Delivery

Collect on Delivery Restricted Delivery Insured Mail

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

2. Article Number (Transfer from service label)

7016 2140 0000 3511 1932