

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**  
MAY 16 2018  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. )  
DOAK, Insurance Commissioner, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
BRADLEY ALLEN LATTING, a licensed )  
insurance producer license in )  
the State of Oklahoma, )  
 )  
Respondent. )

Case No. 18-0260-DIS

**FINAL ADMINISTRATIVE ORDER**

This matter is a disciplinary proceeding under the Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1-1435.41. On April 11, 2018, the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner (the "Petitioner"), issued a *Notice of Hearing and Order to Show Cause* (the "*Notice*") alleging that Bradley Allen Latting (the "Respondent") violated the Oklahoma Producer Licensing Act.

The *Notice* was personally served upon Respondent by Petitioner on April 12, 2018. Additionally, the *Notice* was sent via certified mail to Respondent at his provided mailing address of record. Based on the USPS certified mail receipt, Respondent received the *Notice* sent via certified mail on April 17, 2018. The administrative hearing was held before the undersigned Independent Hearing Examiner on May 10, 2018. Petitioner appeared by counsel Barron B. Brown. Respondent appeared *pro se*.

Petitioner witnesses Courtney Khodabaksh, Troy Lung and Mark Drummond ("Drummond") were sworn and testified. Petitioner Exhibits A through C ("Petitioner Exhibits") were introduced and admitted without objection. Said Exhibits are included herein by reference

as attached as Petitioner's Exhibits A through C respectively. Respondent was sworn and testified on his own behalf. Respondent did not call any other witnesses of his own. Respondent did not offer any Exhibits of his own. Arguments from both Petitioner and Respondent were heard. The administrative hearing was recorded electronically by an employee of the Oklahoma Insurance Department ("OID"). Neither party requested a full stenographic record of the proceedings.

### **JURISDICTION AND AUTHORITY**

1. John D. 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.

2. Respondent is a licensed resident insurance producer in the State of Oklahoma holding license number 81533. Respondent's current mailing address of record is State Farm Insurance, 2410 NW Cache Rd. Ste. B, Lawton, Oklahoma 73505-5218.

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).

4. If the Insurance Commissioner finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to the effect in its order, such action may be ordered pending the outcome of proceedings instituted by the Oklahoma Insurance Department. 75 O.S. §§ 314(C)(2) and 314.1; O.A.C. 365:1-7-9(a).

5. The Insurance Commissioner, pursuant to 36 O.S. § 319, appointed the undersigned Independent Hearing Examiner to sit as a quasi-judicial officer over the above entitled cause.

## FINDINGS OF FACT

1. On March 5, 2018, the OID's Licensing Division received a letter from State Farm Insurance Company ("State Farm") notifying the Oklahoma Insurance Department ("OID") that it had terminated its appointment of Respondent for cause. Specifically, State Farm stated that its termination was based on "a suspected violation of Oklahoma Statute Title 36 Section 1435.13(A)(8)([u]sing fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.)."

2. Upon request from the OID's Licensing Division, State Farm submitted a copy of its February 6, 2018 internal audit investigation closing report (the "Report") on Respondent.

The Report provided:

- a) State Farm Bank identified potential concerns with transactions involving the State Farm Bank account of eighty-eight (88) year old customer Christiane McDonald ("McDonald"). The account was opened in December 2016 with an initial deposit amount of Five Hundred Thousand Dollars (\$500,000.00). State Farm suspected the proceeds to be a non-State Farm life insurance policy McDonald received following the death of her husband in March 2016.
- b) Respondent had an executed and notarized Power of Attorney ("POA") providing him with control and access to McDonald's State Farm Bank account. In addition, there was no known familial relationship between Respondent and McDonald. Further, the POA had never been disclosed to State Farm.
- c) Initial reviews of McDonald's State Farm Bank account indicated that Respondent had moved One Hundred Thousand Dollars (\$100,000.00) of funds in

McDonald's account to an account(s) in his own name. Upon further investigation, State Farm found that approximately One Hundred Thirty Five Thousand Dollars (\$135,000.00) in Automated Clearing House ("ACH") transfers, bill pay withdrawals and one personal check had been drawn against McDonald's account by Respondent between the months of March-October 2017.

d) During an interview with State Farm, Respondent stated that all of the outgoing funds from McDonald's account were deposited into one of his personal State Farm Bank checking accounts. Additionally, Respondent indicated that he had spent a portion of those withdrawn funds and had later replaced them with funds from his own personal account. Further, Respondent stated that he had subsequently deposited the funds from McDonald's State Farm Bank account into a joint checking account at BancFirst held in both McDonald's and his own name. Respondent admitted that he had commingled the funds of McDonald with his own personal funds.

3. Based on State Farm's termination of appointment notification concerning Respondent, the OID's Anti-Fraud Unit opened an investigation into Respondent. OID Anti-Fraud Unit Investigator Drummond was assigned the case.

4. During the course of Drummond's investigation, he interviewed McDonald on April 3, 2018. In this interview, McDonald communicated to Drummond that she simply signed whatever documentation Respondent provided to her and believed that he was assisting her with the payment of her personal bills. Further, McDonald stated that she was unaware that Respondent had withdrawn and/or transferred any of the monies contained in her personal, State Farm Bank checking account.

5. Drummond also discovered, through his investigation and communication with State Farm, that Respondent submitted a One Million Dollar (\$1,000,000) life annuity application on behalf of McDonald with State Farm. Respondent indicated on the application that McDonald was not a resident of either a nursing home or assisted living facility when, in fact, she resided in an assisted living facility. McDonald informed Drummond that she was unaware of the life annuity application applied on her behalf by Respondent.

6. As of the date of issuance of the *Notice*, Drummond believed, based on his experience and qualifications as a commissioned law enforcement officer in the State of Oklahoma, that McDonald was, at all relevant times pertinent to the investigation of Respondent, susceptible to undue influence and that Respondent's continued licensure, as outlined above, presented a significant threat to the safety and welfare of the Oklahoma insurance consumer market.

7. Upon consideration of the testimony, exhibits and arguments presented in the administrative hearing concerning the *Notice* issued in this case, the emergency action of immediate suspension of Respondent's Oklahoma insurance producer license pending the final outcome of the proceedings in this matter is found to have been properly incorporated as a finding in the *Notice* pursuant to the requirements set forth in 75 O.S. §§ 314(C)(2), 314.1 and O.A.C. 365:1-7-9(a).

8. Further, based on the testimony, exhibits and arguments presented in the administrative hearing concerning the *Notice* issued in this case, Respondent's conduct in the business of insurance in the State of Oklahoma constituted a clear and convincing violation of the Oklahoma Producer Licensing Act- specifically, 36 O.S. § 1435.13(A)(8).

**CONCLUSIONS OF LAW**

1. Respondent violated 36 O.S. § 1435.13(A)(8) by using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business.

**ORDER**

**BASED ON THE CLEAR AND CONVINCING EVIDENCE SET FORTH ABOVE,** the action of the Insurance Commissioner in immediately suspending Respondent's insurance producer license in the State of Oklahoma is **AFFIRMED** and Respondent's Oklahoma insurance producer license in the State of Oklahoma is hereby **REVOKED**. Respondent, pursuant to 36 O.S. § 319, is further ordered to pay the costs of the administrative hearing in the amount of Two Hundred Fifty Dollars (\$250.00). The costs shall be paid within thirty (30) days made payable to the Oklahoma Insurance Department.

Done this 14th day of May, 2018.



A handwritten signature in black ink that reads "Stephan Mathis". The signature is written in a cursive style and is positioned above a horizontal line.

Stephan Mathis  
Independent Hearing Examiner  
Oklahoma Insurance Department

**CERTIFICATE OF MAILING**

I, Barron B. Brown, hereby certify that a true and correct copy of the above and foregoing *Final Administrative Order* was mailed via certified mail, with postage prepaid and return receipt requested, on this 16<sup>th</sup> day of May, 2018, to:

Bradley Allen Latting  
State Farm Insurance  
2410 NW Cache Rd. Ste B.  
Lawton, OK 73505-5218


CERTIFIED MAIL NO:  
9214 8902 0982 7500 0085 92

Bradley Allen Latting  
7805 NW Brady Way  
Lawton, OK 73505-0600

CERTIFIED MAIL NO:  
9214 8902 0982 7500 0086 08

and that a copy was delivered to:

Licensing Division  
Anti-Fraud Unit

  
Barron B. Brown  
Assistant General Counsel



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

**CERTIFIED MAIL™**

USPS CERTIFIED MAIL



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BRADLEY ALLEN LATTING  
 STATE FARM INSURANCE  
 2410 NW CACHE RD #B  
 LAWTON OK 73505-5287

Not @ address  
 - REFUSED

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JUN 15 2018

Legal Division

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REMARKS TO SENDER

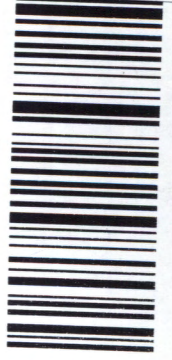


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BRADLEY ALLEN LATTING  
7805 NW BRADY WAY  
LAWTON OK 73505-0600

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Legal Division

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PO Box 853918 • Richardson, TX 75085-3918

February 16, 2018

Oklahoma Department of Insurance  
Five Corporate Square  
3625 NW 56<sup>th</sup>, Suite 200  
Oklahoma City, OK 73112

RECEIVED BY  
AGENT LICENSING  
MAR 05 2018  
OKLAHOMA  
INSURANCE DEPARTMENT

MAR 2 18 PM 1:08

To Whom It May Concern:

RE: FOR CAUSE appointment termination for licensed representative Brad Latting.

- License #81533
- NPN #6060511

Producer Brad Latting's appointment as a licensed producer has been terminated.

This notification is made pursuant to Oklahoma Statute Title 36 Section 1435.16(B) for a suspected violation of Oklahoma Statute Title 36 Section 1435.13(A)(8)("[u]sing fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.>").

Immunity is provided by Oklahoma Statute Title 36 Section 1435.16(E)(1).

If there are any questions about this letter, please direct them exclusively to the attention of the undersigned. We thank you for your help in this regard.

Sincerely,

Eben Price  
Business Analyst - Agency  
972-362-3866  
[home.asr-specs-lic.629L00@statefarm.com](mailto:home.asr-specs-lic.629L00@statefarm.com)

cc: Brad Latting  
509 SW Coral Ave  
Lawton, OK 73505-5218





## The Brentwood

SENIOR LIVING



I Carol S. Shaw, LPN the Director of Wellness at The Brentwood of Senior Living would like to make a statement versus a resident in our community.

March 2016 at the time of her moving in to our community she was not able to pass the assessment for administering her medication. She was not aware of times to take, what the medication was for, nor how to order the medication. Her spouse had recently deceased and he did everything for her.

October 2016 She was evaluated by her physician and he stated to take Dementia and Depression off her diagnosis that she was mourning the loss of her spouse and this was not a proper diagnosis.

Resident would walk to her home which is located at the back of our community. Her neighbor across from her home would check on her and she would state to him she felt like someone was taking things from her home. But instead she had boxed items and moved them to a different closet or placed them in a different room.

In January 2017 the dining staff and C.N.A.'s informed me she was not coming to the dining room to eat anymore. One morning she was found in bed in a fetal position with her blinds drawn and her lights off. She was crying, and I asked if she was sick she stated no. Attempted to encourage her to come to the dining room to eat and she refused. I called her POA – Brad Lating to bring protein shakes or Ensure for supplement drinks.

January 20, 2017 resident taken to primary care physician for evaluation. Resident was prescribed a new prescription for anxiety and insomnia. Brad was leaving for a cruise and would be out of state for awhile the next week or two. And asked that we continue to administer her medication as needed until her came back. The physician had order for us to let her administer her own medication. I as the director I did not feel comfortable letting her administer the medications, but Brad stated he would assist her in getting the medications ordered when they were in need of renewing. Also she would be responsible in getting them from the pharmacy in a timely manner. I also explained she would need to be able to know what medication she was taking for what diagnosis, the correct time and route.

[TheBrentwoodSeniorLiving.com](http://TheBrentwoodSeniorLiving.com)

6920 SW Lee Boulevard • Newton, OK 73505  
phone: (580) 536-4848 fax: (580) 536-0604

July 2017 resident walked to her home to evaluate things and when she returned collapsed at her apartment door from exhaustion and heat. Hydrated her and explained she needed to wait till it was cooler before she attempted to walk to her house or go with someone so this would not happen and we would be aware she was leaving the community. She still wants to be more reliant for herself and will do things without letting the staff know. She states things are missing from her apartment and thinks someone came in and took papers or other items.

September 6, 2017 our community RN Consultant, B. Watkins assessed her on self administration on medications and found she had a new medication that she had not been taking for her blood pressure or regulation of heart rate. When asked why she hadn't been taking them she stated she did know why the doctor prescribed them for her and wasn't wanting to take anything she wasn't suppose to be. Notified her physician regarding this concern as well as her POA. He did not want to remove the medication from her room until we heard from her physician.

September 16, 2017 Informed POA due to his non-compliance of the safety of his client, the RN Consultant and myself as the director removed all medication including OTC medication from her apartment. This was also explained to the resident the concern we had. She became very upset. All this was told to the Executive Director, M. Baggett as well. She began forgetting when her appointments were, thinking they were the present time and not the following week.

She began to stay in her apartment and not come out for activities she enjoyed doing. Staff attempted to encourage her more to attend them as well. She refused many times.

October 2, 2017 resident walking around the from parking area looking towards the traffic. Then she ventured to the east parking lot looking towards the open field. Staff aware and was looking out for her safety at a distance. Because she was still not wanting us to be in her affairs.

The next few months were the same she would go through days when she was not hungry and would not eat. She would eat one meal a day and be obsessed about her gaining to much weight. Or state she would forget when meals were even though staff would come by to remind her. She would come to the nurses station asking about appointment times and state she would have them but we were not aware.

November 2017 we are still reminding resident of daily activities that she has attended in the past and still forgets. Staff has also reminded her to change her clothing due to things spilled on her blouse and she was not aware of it there. She misplaces papers that she has accumulated from her home and accuses people coming in to her apartment and taking them.

January 2018 resident has lost two different shoes and the match to them are missing. Recently she placed a sign on her apartment door for others to be looking her the matching pair. She stated someone came in and took her shoes.

*Carol S. Shaw, LNP/DO  
Wellness Department*

March 5, 2018

To whom it may concern:

I, Christiane M. McDonald, knowingly gave my Power of Attorney, Brad Latting, full permission and assisted with setting up online access to my State Farm account # 2012628339 for the purposes of accessing the funds at any time in assisting me both as needed or directed in executing his authority under the POA.

In addition, early in 2017 we discussed and agreed that it would be advantageous to have an account at a local bank with funds reserved in it for Brad to assist me with the preparation and sale of my home and also in case for any reason I became unable to transact daily business for myself there would be immediate funds available. I do not feel qualified or comfortable handling the details of the home sale and want him equipped to take care of this for me. This would allow him to hire and directly compensate those needed to prepare the home for sale and to work with a local realtor to list and sell the home. We are in that process now. We agreed upon an amount equal to 5% of my estimated estate to fund the account, or approximately \$120,000.


I was and am aware that in keeping with our decision, Brad began to withdraw funds with the intent of opening the local account together and relying on me to participate in opening the account.

Concurrently, I began to experience some mild health issues in the form of depression that repeatedly delayed my cooperation in going over to open the new account. During this same period of time from approximately May to October I was and am fully aware that Brad continued to systematically withdraw the agreed upon funds in his name to open the account as per our intent. On numerous occasions during this same period of time, I did give Brad the impression and indication that we would successfully get the account opened however I did not follow through on this until we finally opened the account in October. During this time I was aware that Brad was relying on this and that while he was waiting for me he deposited some of the funds into his account. He kept me fully aware of this.

Again, I authorized and am fully aware that funds were removed by Brad Latting from my State Farm Checking account #2012628339 and ultimately deposited locally at BancFirst into account #5248989161 and that the purpose of this local account is two fold: (1) to allow funds to be immediately available for Brad to hire, oversee and directly compensate those who provide the services deemed necessary to fully prepare my home for sale and (2) in case for any reason I would become unable to transact daily business items for myself. Brad is currently working on item # 1 and keeping me fully informed as he progresses.

I am very comfortable with Brad Latting as my POA. We communicate very well and I feel confident that he cares about my overall well being.

Respectfully,

  
Christiane M. McDonald

