

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN DOAK, Insurance Commissioner,  
Petitioner,  
v.  
SHANNA ATHERTON,  
an applicant for a resident insurance  
producer license,  
Respondent.

Case No. 18-0298-DEN

FILED  
MAY 02 2018  
INSURANCE COMMISSIONER  
OKLAHOMA

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

COMES NOW the State of Oklahoma, ex rel. John Doak, Insurance Commissioner, by and through his counsel, Sara A. Worten, and alleges and states as follows:

**JURISDICTION**

1. John 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, *36 O.S. §§ 1435.1 through 1435.41*.

2. Respondent Shanna Atherton (“Respondent”) is an applicant for a resident insurance producer license in the State of Oklahoma. Respondent’s mailing address of record is 12401 N. MacArthur Boulevard, Oklahoma City, Oklahoma 73142.

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)*.

### ALLEGATIONS OF FACT

1. Respondent applied for a resident insurance producer license on or about April 20, 2018, with the Oklahoma Insurance Department (“OID”). On the application form, question 1a 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.

2. The application provides that individual applicants can only exclude “the following misdemeanor convictions or pending misdemeanor charges: 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.” Applicants are also permitted to “exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).”

3. A background check conducted by the OID Licensing Division showed that Respondent has been convicted a misdemeanor in Garfield County in *The State of Oklahoma v. Shanna Lea Atherton a/k/a Shanna Lea Smith*, Case Number CM-2014-406 for one misdemeanor count of Leaving Scene of Accident Involving Damage.

### ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 1435.13(A)(1) by providing incorrect, misleading, incomplete or materially untrue information in the license application.

### ORDER

**IT IS THEREFORE ORDERED** by the Insurance Commissioner that Respondent is hereby **CENSURED** and **FINED \$100.00** for violation of 36 O.S. § 1435.13(A)(1). **The \$100.00 fine is to be paid within 30 days** made payable to the Oklahoma Insurance Department.

The \$100.00 civil fine shall be paid by **money order or cashier's check**. Respondent's application for a resident insurance producer license may be granted upon receipt of payment of the fine. Failure to pay the civil fine or request a hearing within 30 days will result in your license application being withdrawn.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Allegations of Fact set forth above within 30 days of the date 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 date of mailing this Order. A request for hearing should be in writing addressed to Sara A. Worten, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> Street, Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under the Insurance Code and *75 O.S. § 250-323*. If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as 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 2<sup>nd</sup> day of May 2018.



JOHN DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Sara A. Worten", written over a horizontal line.

Sara A. Worten  
Assistant General Counsel  
3625 NW 56<sup>th</sup> St., Suite 100  
Oklahoma City, OK 73112  
(405) 521-2746

**CERTIFICATE OF MAILING**

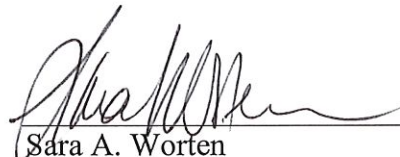
I, Sara A. Worten, hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to be Heard* was sent by electronic mail and mailed by certified mail, with postage prepaid and return receipt requested, on this 2nd day of May 2018 to:

Shanna Atherton  
12401 N. MacArthur Blvd.  
Apt. 2413  
Oklahoma City, OK 73142  
[slasooner@hotmail.com](mailto:slasooner@hotmail.com)

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0080 42

and a copy was delivered to:

Karen Wojtek  
Licensing Division



Sara A. Worten  
Assistant General Counsel