

**FILED**

**OCT 01 2018**

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

**INSURANCE COMMISSIONER  
OKLAHOMA**

**STATE OF OKLAHOMA, ex rel. JOHN D.  
DOAK, Insurance Commissioner,** )

**Petitioner,** )

**v.** )

**AMY MCDONALD, an applicant for a  
resident producer license in the  
State of Oklahoma,** )

**Respondent.** )

**CASE NO. 18-0543-DEN**

**ADMINISTRATIVE ORDER**

This matter is a proceeding under the Oklahoma Insurance Code, 36 O.S. §§ 101 *et seq.*, and conducted pursuant the Oklahoma Administrative Procedures Act, 75 O.S. §§ 301 *et seq.*, whereby Respondent, Amy McDonald (“Respondent”) submitted an application for an insurance producer license which was denied by letter dated August 13, 2018. Respondent timely requested a hearing on the matter and the Oklahoma Insurance Department (“OID”) issued a Notice of Hearing and Order or Show Cause on August 24, 2018, alleging that Respondent failed to show that she was of good personal reputation due to her convictions in McCurtain County case numbers CF-2005-259 and CF-2009-77 and setting the matter for hearing on September 18, 2018, at 9:30 a.m. at the office of the Oklahoma Insurance Department, 3625 N.W. 56<sup>th</sup> Street, Suite 100, Oklahoma City, Oklahoma.

On September 18, 2018, the above captioned case came on for hearing at OID and testimony and evidence was received at that time. Oklahoma Insurance Commissioner John D. Doak appointed the undersigned independent Hearing

Examiner, John D. Miller, to preside at the hearing as a quasi-judicial officer pursuant to 36 O.S. § 319. The hearing was recorded electronically by employees of OID. Petitioner was represented by Senior Counsel Sandra G. LaVenue. Respondent appeared without counsel and announced that she wished to proceed pro se. Testimony and evidence was heard before the undersigned Hearing Examiner including the admission of exhibits into evidence. Therefore, after consideration of the testimony and evidence presented, this independent Hearing Examiner issues his order of findings of fact and conclusions of law.

#### **FINDINGS OF FACT**

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.

2. The Insurance Commissioner, pursuant to 36 O.S. § 319, appointed an independent Hearing Examiner and that Hearing Examiner has the jurisdiction to determine if Respondent has failed to meet the licensure requirements set forth in 36 O.S. § 1435.7(C).

3. Respondent applied for a resident insurance producer license on or about July 21, 2018, with OID. On the application form, Respondent reported that she had been convicted of a felony and provided relevant documents showing that she had been convicted of two separate felonies in McCurtain County, Oklahoma.

4. Respondent was convicted of unlawful delivery of a controlled drug in McCurtain County case number CF-2005-259 and conspiracy to deliver drugs in

McCurtain County case number CF-2009-77.

5. An applicant for any license required by the provisions of the Oklahoma Producer Licensing Act shall demonstrate to the Insurance Commissioner that the applicant is competent, trustworthy, financially responsible, and of good personal and business reputation as set forth in 36 O.S. § 1435.7(C).

6. Although Respondent successfully completed the McCurtain County Drug Court Program as well as her probation in McCurtain County case number CF-2005-259, she remains on unsupervised probation in CF-2009-77 until April 8, 2019.

#### **CONCLUSIONS OF LAW**

7. Respondent's convictions in McCurtain County case numbers CF-2005-259 and CF-2009-77 are violations of 36 O.S. § 1435.13(A)(6) and Respondent's unsupervised probation in CF-2009-77 temporarily demonstrates that Respondent does not meet the requirements for licensure found in 36 O.S. § 1435.7(C).

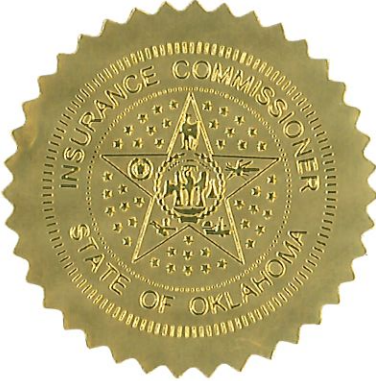
#### **ORDER**

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that it has been established by clear and convincing evidence that Respondent, Amy McDonald, has been convicted of two (2) felonies which are each a violation of 36 O.S. § 1435.13(A)(6) and that her current probationary status in CF-2009-77 demonstrates that she is currently not of good personal reputation as required by 36 O.S. § 1435.7(C).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent's Oklahoma Application for a Resident Producer License is

temporarily denied until April 8, 2019, and/or during the pendency of her probation in McCurtain County case number CF-2009-77. Respondent's Application Fee shall be refunded and upon successful completion of the herein referenced probated sentence, Respondent is permitted to reapply for an Oklahoma resident producer license. Respondent's Application shall disclose this administrative action as well as the herein referenced felonies which were reported in her initial Application. On the condition that Respondent's second application presents no additional violations of 36 O.S. § 1435.13, Respondent's Oklahoma resident producer license shall be granted.

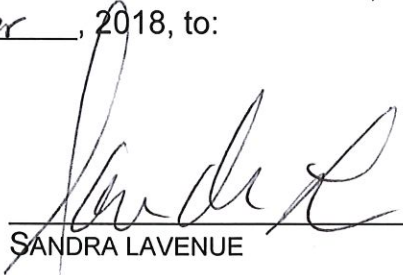
**WITNESS My Hand and Official Seal this 24<sup>th</sup> day of September 2018.**



*John D. Miller*  
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JOHN D. MILLER, OBA # 6213  
INDEPENDENT HEARING EXAMINER  
OKLAHOMA INSURANCE DEPARTMENT

**CERTIFICATE OF MAILING**

I, Sandra LaVenue, hereby certify that a true and correct copy of the above and foregoing *Administrative Order* was mailed via certified mail, with return receipt requested, on this 1<sup>st</sup> day of October, 2018, to:

  
\_\_\_\_\_  
SANDRA LAVENUE

Amy McDonald  
2678 Conley Rd.  
Idabel, OK 74745.

**CERTIFIED MAIL NO.** 9214 8902 0982 7500 0131 14

and a copy was delivered to:

Karen Wojtek  
Courtney Khodabakhsh



Date Produced: 10/08/2018

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0131 14. Our records indicate that this item was delivered on 10/05/2018 at 11:54 a.m. in IDABEL, OK 74745. The scanned image of the recipient information is provided below.

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A handwritten signature in black ink that reads "Dan Hammer".

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