

FILED  
APR 09 2019  
INSURANCE COMMISSIONER  
OKLAHOMA  
29-DEN

Case No. 19-0229-DEN

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 not less than \$100.00 nor more than \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code. 36 O.S. § 1435.13(A) and (D).

### **FINDINGS OF FACT**

4. Respondent applied to renew his resident insurance producer license on or about March 17, 2019, with the Oklahoma Insurance Department (“OID”).

5. 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, which has not been previously reported to the insurance department? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license.” Respondent answered “No” to this question.

6. 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, which has not been previously reported to this insurance department?” Respondent answered “No” to this question.

7. An Oklahoma Supreme Court Network (“OSCN”) background check by the OID Licensing Division showed that Respondent has been charged with (i) a one (1) year deferred sentence for a misdemeanor count of driving while under the influence of drugs in *The State of Oklahoma v. Ryan Scott Smith*, Case Number CM-2017-71, (ii) a five (5) year deferred sentence for a felony count of driving a motor vehicle while under the influence of alcohol in *The State of Oklahoma v. Ryan Scott Smith*, Case Number CF-2017-370, (iii) a one (1) year deferred sentence for a misdemeanor count of unlawful possession of drug paraphernalia in *The State of Oklahoma*



v. *Ryan Scott Smith*, Case Number CM-2017-549, and (iv) a one (1) year deferred sentence for a misdemeanor count of transporting an open container – alcohol in *The State of Oklahoma v. Ryan Scott Smith*, Case Number CM-2017-549.

8. Further, Respondent did not report any of the above charges to the OID within thirty (30) days of the initial pretrial hearing date nor provided a copy of the initial complaint filed and the order resulting from the hearing until requested by OID as part of Respondent's renewal application.

9. As of this date, Respondent has yet to submit a letter of explanation as to why the unlawful possession of drug paraphernalia and transporting an open container convictions were not disclosed.

10. As of this date, Respondent has yet to submit a letter of explanation describing the situation relating to the unlawful possession of drug paraphernalia and transporting an open container convictions.

11. Pursuant to 36 O.S. § 1435.18(B), a producer shall report to the Insurance Commissioner any criminal prosecution of the producer taken in any jurisdiction within thirty (30) days, including a copy of the initial complaint filed, the order resulting from the hearing and any other relevant documents.

12. The Insurance Commissioner may impose a civil fine for violating any insurance laws, or violating any regulation, subpoena or order of the Insurance Commissioner or of another state's Insurance Commissioner. See 36 O.S. § 1435.13(A)(2) and (D).

13. The Insurance Commissioner may impose a civil fine when an applicant provides incorrect, misleading, incomplete or materially untrue information in the license application. See 36 O.S. §§ 1435.13(A)(1) and (D).

### CONCLUSIONS OF LAW

14. Respondent violated 36 O.S. § 1435.13(A)(1) for providing incorrect, misleading, incomplete or materially untrue information in the license application by not disclosing the three (3) deferred misdemeanors and one (1) deferred felony.

15. Respondent violated 36 O.S. § 1435.13(A)(2) and 1435.18(B) for violating any insurance law by not reporting as a producer to the Insurance Commissioner the three (3) deferred misdemeanors and one (1) deferred felony convictions.

### ORDER

**IT IS THEREFORE ORDERED** by the Insurance Commissioner that Respondent is hereby **fined FIVE HUNDRED DOLLARS (\$500.00)** for violation of 36 O.S. §§ 1435.13(A)(1), 1435.13(A)(2), and 1435.18(B). **The \$500.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$500.00 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 and reporting of the administrative action. Failure to pay the civil fine or request a hearing within thirty (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 Findings of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above will become a Final Order on the thirty-first (31<sup>st</sup>) day following the date of mailing this Order. A request for hearing should be in writing addressed to Teresa L. Green, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing must state the



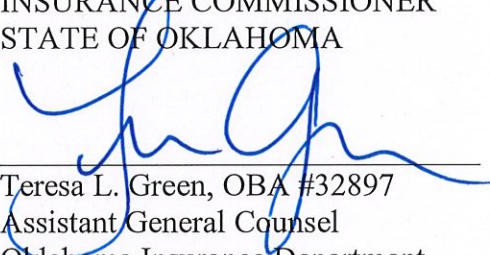
grounds for the request to set aside or modify the Order.

Any such hearing will 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 will act as notice of the matters to be reviewed at the hearing, and the Findings of Fact, Conclusions of Law, and penalties imposed in this Conditional Order will be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 9<sup>th</sup> day of April, 2019.



GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
Teresa L. Green, OBA #32897  
Assistant General Counsel  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, OK 73112  
Telephone: (405) 521-2746  
Facsimile: (405) 522-0125

**CERTIFICATE OF MAILING**

I, Teresa L. Green, 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 9<sup>th</sup> day of April, 2019 to:

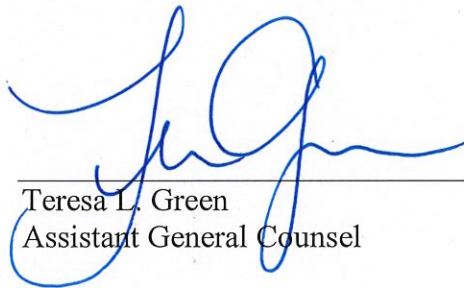
Ryan Scott Smith  
1206 N. Meadow Dr.  
Ardmore, OK 73401

**CERTIFIED MAIL NO.**

9214 8902 0982 7500 0194 44

and a copy was delivered to:

Licensing Division



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Teresa L. Green  
Assistant General Counsel



19-0229-DON  
TLG

Date Produced: 04/15/2019

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0194 44. Our records indicate that this item was delivered on 04/12/2019 at 09:53 a.m. in ARDMORE, OK 73401. The scanned image of the recipient information is provided below.

Signature of Recipient :

Cindy Smith  
Cindy Smith

Address of Recipient :

1206 N. Meadow Dr

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

RYAN SCOTT SMITH  
1206 N MEADOW DR  
ARDMORE OK 73401-1042

Customer Reference Number: C1317685.7453546