

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

**FILED**  
**SEP 16 2019**  
**INSURANCE COMMISSIONER**  
**OKLAHOMA**

STATE OF OKLAHOMA, ex rel. GLEN	)	
MULREADY, Insurance Commissioner,	)	
	)	
Petitioner,	)	
vs.	)	CASE NO. 19-0373-DIS
	)	
<b>DELICIA LEWIS</b> , a resident producer,	)	
	)	
Respondent.	)	
	)	

**FINAL ADMINISTRATIVE ORDER**

This matter is a disciplinary proceeding under the Oklahoma Producer Licensing Act, 36 O.S. §§ 1432.1 *et seq.*, and conducted pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 301 *et seq.* On July 10, 2019, the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner (the “Petitioner”), issued a *Notice of Hearing and Order for Show Cause* (the “*Notice*”) alleging that Delicia Lewis (the “Respondent”) violated provisions of the Code and setting this matter for hearing on August 14, 2019, at 1:00 p.m. at the office of the Oklahoma Insurance Department (“OID”), 3625 N.W. 56<sup>th</sup> Street, Suite 100, Oklahoma City, Oklahoma. The hearing was rescheduled for September 5, 2019, at 1:30 p.m. at the request of the Hearing Examiner.

The administrative hearing was held before the undersigned Hearing Examiner on September 5, 2019. Petitioner appeared by counsel, Teresa L. Green. Respondent failed to appear. Witnesses for Petitioner, OID Anti-Fraud Investigator Robert Lee and Sherry Marczewski, were sworn and testified. Exhibits were presented and arguments heard.

## JURISDICTION

1. Glen Mulready 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.*, and the Oklahoma Producer Licensing Act (the "Act"), *36 O.S. §§ 1432.1 et seq.*

2. Respondent is a licensed resident producer in the State of Oklahoma holding license number 3000359812. Respondent's mailing address of record is 2243 NW 117<sup>th</sup> St., Oklahoma City, OK 73120 ("Address of Record").

3. Pursuant to *36 O.S. § 1435.13*, 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 civil penalty in accordance with subsection D of *§1432.13* or any combination of actions, for any one or more of the following causes:

- a. Violating any insurance laws, or violating any regulation, subpoena or order of the Insurance Commissioner or of another state's Insurance Commissioner;
- b. Having admitted or been found to have committed any insurance unfair trade practice or fraud;
- c. Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere; and,
- d. Forging another's name to an application for insurance or to any document related to an insurance transaction.

4. Pursuant to *36 O.S. § 1435.8*, licensees shall inform by any means acceptable to the Insurance Commissioner of a change of legal name, address, or e-mail address within thirty

(30) days of the change to permit the Insurance Commissioner to give proper notice to licenses. Failure to provide acceptable notification of a change of legal name or address to the Insurance Commissioner within forty-five (45) days of the date the administrative fee is assessed shall result in penalties pursuant to §1435.13.

5. The Insurance Commissioner, pursuant to 59 O.S. § 1311.1(B), appointed the undersigned Independent Hearing Examiner to sit as a quasi-judicial officer over the above cause.

### **FINDINGS OF FACT**

6. OID determined that Respondent was no longer at the Address of Record. Respondent was living at 4317 Rankin Rd., Oklahoma City, 73120 ("Rankin House") during OID's investigation and Investigator Robert Lee's initial interview. As of May 9, 2019, Respondent has been evicted from the Rankin House in Oklahoma County case number SC-2019-7727. OID has been unable to locate a different address for Respondent.

7. On or about July 10, 2019, OID sent via certified mail, regular mail, and electronic mail the Notice to the Address of Record, to the Rankin House, and to two email address on record with the OID, denise112188@gmail.com and aricaburton@ailokc.net. Both certified mail copies were returned unclaimed.

8. On or about July 31, 2019, OID sent via certified mail, regular mail, and electronic mail to Order continuing the hearing to the Address of Record, to the Rankin House, and to the previously listed two electronic email addresses. Both certified mail copies were returned unclaimed.

9. On or about August 9, 2018, Respondent was issued a producer license with lines of authority for (1) accident & health or sickness and (2) life in Oklahoma.

10. On or about February 25, 2019, the Anti-Fraud Unit of the OID received a complaint from Sherry Marczewski ("Marczewski"), an employee of the OID, regarding unauthorized withdrawal from her checking account on February 22, 2019 by American Life Insurance.

11. The investigation by Investigator Robert Lee of the OID revealed that Respondent fraudulently submitted an application using Marczewski's information obtained from a check written to Terry Spicer, Respondent's significant other, through his window washing profession.

12. Respondent confirmed her current address is 4317 Rankin Road, Oklahoma City, OK 73120. Respondent also confirmed her appointment with American Income Life was from August 2018 to March 2019.

13. Respondent initially told Investigator Lee that she did not know Marczewski but recanted after seeing a copy of the Marczewski application. She stated that she met Marczewski through Marczewski's daughter, Alicia.

14. Marczewski does not have a daughter named Alicia.

15. Respondent also told Investigator Lee that she took Marczewski's application over the phone. Respondent admitted to Investigator Lee that she typed Marczewski's name on the application for Marczewski's electronic signature.

16. Respondent admitted to Investigator Lee that she knows customers are to enter their own information on the application instead of Respondent entering the information for the customer.

17. The Marczewski application, dated February 20, 2019, reflects Marczewski's name, her husband's name, bank information, account number, and medical clinic's name



correctly. The same application reflects a different address, phone number, date of birth, Social Security Number, and physician's phone number. The signatures were electronically generated.

18. On or about April 10, 2019, OID received a notice of termination for Respondent from American Income Life Insurance Company. The notice stated that "Delicia Lewis" "was terminated with cause and violation of company policy and regulatory guidelines on March 28, 2019....[for] submitting several fraudulent applications....contain[ing] invalid social security numbers, addresses, applicant names and phone numbers." These applications were for John Freeman, Allie Freeman, Charlotte Ernst, Linda Hershey, and Eddie Heard.

19. On or about May 9, 2019, Respondent was evicted from the house at 4317 Rankin Road. The same day Investigator Lee attempted a second in-person interview with Respondent at the same house. Investigator Lee called Respondent and was told that the landlord was remodeling and that Respondent would be moving back in.

20. To date, Respondent has not updated her address with the OID.

21. The Insurance Commissioner appointed Stephan Mathis to hear the case as the independent hearing examiner.

22. The hearing was recorded electronically by employees of the OID. Neither party requested a full stenographic record of the proceedings.

23. The following exhibits were introduced and admitted:

- a. Petitioner's Exhibit 1: National Association of Insurance Commissioner's State Based Systems Licensee Summary for Delicia Lewis;
- b. Petitioner's Exhibit 2: Photograph of Marczewski's bank statement;
- c. Petitioner's Exhibit 3: Marczewski application for American Income Life Insurance Company dated February 22, 2019;
- d. Petitioner's Exhibit 4: Email correspondence from Courtney Khodabakhsh of OID to Robert Lee of OID dated April 29, 2019;
- e. Petitioner's Exhibit 5: Letter from Teri Porter, Agency Administration, of American Income Life Insurance Company to OID dated April 10, 2019;

- f. Petitioner's Exhibit 6: TLO Comprehensive Report for Terry Spicer dated April 29, 2019;
- g. Petitioner's Exhibit 7: Email correspondence from Sherry Marczewski to Robert Lee of OID dated April 29, 2019;
- h. Petitioner's Exhibit 8: Carbon copy of check number 6163 dated December 6, 2018;
- i. Petitioner's Exhibit 9: Bank of America Online Banking Transaction Details for check number 6163 dated December 6, 2018;
- j. Petitioner's Exhibit 10: Business card for Terry Spicer; and,
- k. Petitioner's Exhibit 11: Voided check number 6188 for Marczewski.

24. Robert Lee and Sherry Marczewski were sworn and testified to the above findings of facts under oath.

### **CONCLUSIONS OF LAW**

25. Respondent violated 36 O.S. § 1435.13(A)(2) by violating any insurance law for not informing the Insurance Commissioner of a change of address within thirty (30) days of the change pursuant to 36 O.S. §1435.8.

26. Respondent violated 36 O.S. § 1435.13(A)(7) by having admitted or been found to have committed any insurance unfair trade practice or fraud for the unauthorized signing of names to insurance applications containing false Social Security Numbers, dates of birth, addresses, and similar information on six (6) occasions.

27. 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 in this state or elsewhere for (1) the unauthorized signing of names to insurance applications containing false Social Security Numbers, dates of birth, addresses, and similar information; (2) the unauthorized use of Sherry Marczewski's bank account and routing information to pay insurance premium; and (3) providing false information to Investigator Robert Lee.

28. Respondent violated 36 O.S. § 1435.13(A)(10) by forging another's name to an application for insurance or to any document related to an insurance transaction for signing Sherry Marczewski's name to an insurance application without authorization.

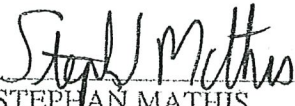
**ORDER**

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that it has been established by clear and convincing evidence that Respondent Delicia Lewis violated 36 O.S. §§ 1435.13(A)(2), (7)-(8), & (10) and, as a result, her resident producer license is hereby **REVOKED**.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Respondent is fined in the amount of SIX THOUSAND DOLLARS (\$6,000.00) and ordered to pay the costs of the proceeding in the amount of TWO HUNDRED DOLLARS (\$200.00). The fine and costs are to be paid by money order or cashier's check to the Oklahoma Insurance Department within thirty (30) days of this Final Administrative Order. The Insurance Commissioner shall notify all appointing insurers and the Central Office of the National Association of Insurance Commissioners of the revocation.

Done this 11<sup>th</sup> day of September, 2019.



  
STEPHAN MATHIS  
Independent Hearing Examiner  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, OK 73112

**CERTIFICATE OF MAILING**

I, Teresa L. Green, hereby certify that a true and correct copy of the above and foregoing *Final Administrative Order* was mailed by regular mail; certified mail, with postage prepaid and return receipt requested; and electronic mail, on this 16<sup>th</sup> day of September, 2019 to:

Delicia Lewis  
2243 NW 117<sup>th</sup> St.  
Oklahoma City, OK 73120

9214 8902 0982 7500 0237 79

**CERTIFIED MAIL NO.**

Delicia Lewis  
4317 Rankin Rd.  
Oklahoma City, OK 73120

9214 8902 0982 7500 0237 86

**CERTIFIED MAIL NO.**

Delicia Lewis  
denise112188@gmail.com

Delicia Lewis  
aricaburton@ailokc.net

and that notification was sent to:

NAIC/RIRS  
All Appointing Insurers

and that a copy was delivered to:

Robert Lee/ Anti-Fraud Team



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Teresa L. Green  
Assistant General Counsel

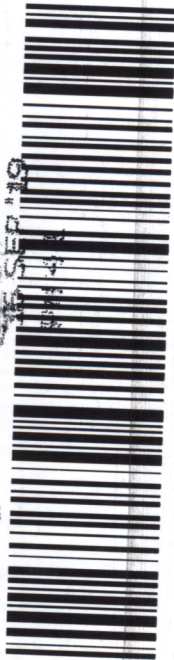




Oklahoma Insurance Department  
Legal Division  
3625 NW 56<sup>th</sup> Street  
Oklahoma City, Oklahoma 73112

**CERTIFIED MAIL™**

USPS CERTIFIED MAIL



9214 8902 0982 7500 0237 79

DELICIA LEWIS  
2243 NW 17TH ST  
OKLAHOMA CITY OK 73107

NEOPOST  
09/16/2019

US POSTAGE \$006.25<sup>0</sup>



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**RECEIVED**  
OKLAHOMA INSURANCE DEPARTMENT

SEP 23 2019

**MAILROOM**

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OKLAHOMA INSURANCE DEPARTMENT  
SEP 23 2019  
Legal Division

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Oklahoma Insurance Department  
Legal Division  
3625 NW 56<sup>th</sup> Street  
Oklahoma City, Oklahoma 73112

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DELICIA LEWIS  
4317 RANKIN RD  
OKLAHOMA CITY OK 73120-8025

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