

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**

OCT 03 2019

STATE OF OKLAHOMA, ex rel. GLEN )  
MULREADY, Insurance Commissioner, )

INSURANCE COMMISSIONER  
OKLAHOMA

Petitioner, )

vs. )

) CASE NO. 19-0579-DEN

JULIAN BAILEY )

an applicant for a resident )

insurance producer license, )

Respondent. )

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

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, by and through counsel, Sandra G. LaVenue, and alleges and states as follows:

**JURISDICTION AND AUTHORITY**

1. Glen Mulready 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, 36 O.S. §§ 101 *et seq.*, including the Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1 through 1435.41.

2. Julian Bailey ("Respondent") is an applicant for a resident insurance producer license in the State of Oklahoma. Respondent's mailing address of record is 1107 N.E. 5<sup>th</sup>, Antlers, Oklahoma, 74523.

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 pursuant to 36 O.S. § 1435.13(A) and (D).

4. If Respondent requests a hearing in writing in this matter, pursuant to OAC 365:1-7-1, the Insurance Commissioner, pursuant to 36 O.S. § 319, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

5. The Insurance Commissioner, pursuant to OAC 365:1-7-5, upon written request reasonably made by a person affected by the hearing and at such person's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.

#### **ALLEGATIONS OF FACTS**

6. Respondent applied for a resident insurance producer license on or about August 27, 2019, 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? You may 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." Respondent answered "no" to this question.

7. Additionally, 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?" Respondent answered "no" to this question.

8. The OID Licensing Division conducted a routine background check which showed that Respondent plead guilty to the felony of attempted grand larceny in Pushmataha County case number CF-2010-35. Additionally, Respondent was placed on a five (5) year deferred sentence on July 8, 2010.

9. The background check also revealed that Respondent plead guilty to misdemeanor possession of marijuana in CM-2004-118; misdemeanor disturbing the peace and public drunk or intoxication in CM-2009-399; and misdemeanor disturbing the peace in CM-2009-20, all of which were in Pushmataha County, Oklahoma.

10. Pursuant to 36 O.S. § 1435.13(A)(1), it is a violation of the Producer Licensing Act for a producer to provide incorrect, misleading, incomplete or materially untrue information in a license application.

#### **ALLEGED CONCLUSIONS OF LAW**

11. Respondent has violated 36 O.S. § 1435.13(A)(1) by providing incorrect, misleading, incomplete or materially untrue information in his license application submitted on September 29, 2016.

#### **ORDER**

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner, subject to the following paragraph, that Respondent is hereby **CENSURED** and **FINED TWO HUNDRED AND FIFTY DOLLARS (\$250.00)** for a violation of 36 O.S. § 1435.13(A)(1). The **\$250.00 fine is to be paid within thirty (30) days** of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department. The \$250.00 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 license application being withdrawn.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days 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 mailing of this Order. A request for hearing shall be in writing addressed to Sandra LaVenue, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112. Additionally, the request for hearing shall state the grounds for the request to set aside or modify the Order. The request shall be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *through* 323. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as a 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 3<sup>rd</sup> October day of ~~November~~, 2019.

GLEN MULREADY



INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
Sandra LaVenue OBA# 13372  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, Oklahoma 73112  
(405) 521-2746

**CERTIFICATE OF MAILING**

I, Sandra LaVenue, 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 3<sup>rd</sup> day of ~~November~~, 2019, to:

October  
Julian Bailey  
1107 N.E. 5<sup>th</sup>  
Antlers, OK 74523

**CERTIFIED MAIL NO. 9214 8902 0982 7500 0242 19**

and a copy was delivered to:

Nicole Godfrey  
Licensing Division

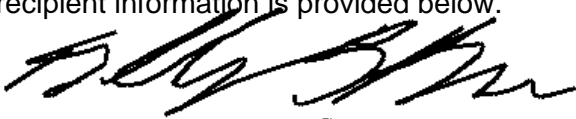
  
Sandra LaVenue  
Senior Counsel

Date Produced: 10/07/2019

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0242 19. Our records indicate that this item was delivered on 10/05/2019 at 09:48 a.m. in ANTLERS, OK 74523. The scanned image of the recipient information is provided below.

Signature of Recipient :

  
Bobbie J Bailey ,

Address of Recipient :

1107 NE 5th  
Antlers OK 74524

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:

JULIAN BAILEY  
1107 NE 5TH ST  
ANTLERS OK 74523-2846

Customer Reference Number: C1658853.9139975

Return Reference Number: SMS/19-0579-DEN (SGL)/Cond Ord

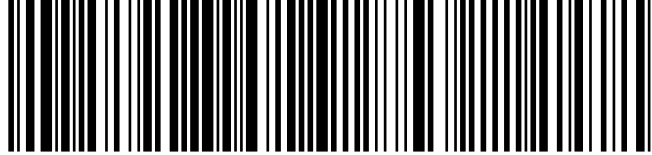
**Return address:**

OKLAHOMA INSURANCE DEPARTMENT  
5 CORPORATE PLAZA  
OKLAHOMA CITY, OK 73112

**Recipient address:**

JULIAN BAILEY  
1107 NE 5TH ST  
ANTLERS OK 74523-2846

MAILING DATE: 10/03/2019  
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**USPS Tracking Label Number: 9214 8902 0982 7500 0242 19**

USPS Tracking History	Location	Date / Time
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ORIGIN ACCEPTANCE	OKLAHOMA CITY,OK 73112	10/03/2019 20:15
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OUT FOR DELIVERY	ANTLERS,OK 74523	10/05/2019 07:23
DELIVERED LEFT WITH INDIVIDUAL	ANTLERS,OK 74523	10/05/2019 09:48

CASE NUMBER: 19-0579-DEN

DEPARTMENT: LEGAL/SGL

SENDER: SMS

CUSTOM 4: CONDITIONAL ADMINISTRATIVE ORDER AND NOTICE OF RIGHT TO BE HEARD