

FILED

JUL 09 2020

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

**INSURANCE COMMISSIONER
OKLAHOMA**

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
NERISSA BERRY,)
a resident producer,)
)
YESENIA MOLINA)
A resident producer,)
)
and)
)
NERISSA BERRY)
INSURANCE AGENCY, LLC.)
a resident insurance agency.)
Respondents.)

Case No. 19-0724-DIS

CONSENT ORDER

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, by and through counsel, Sara A. Worten, and Respondent Nerissa Berry, by and through counsel, Tynan Grayson, and consent to entry of this Order.

JURISDICTION

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. §§ 101-7401, including the Oklahoma Producer Licensing Act, 36 O.S. § 1435.1 et seq..

2. Respondent Nerissa Berry ("Respondent") holding license number 105458, is licensed by the State of Oklahoma as a resident insurance producer as defined and required by 36 O.S. §1435.2(7). Her address of record is 2408 Crestwood Drive, Jones, Oklahoma

73049.

3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to *36 O.S. § 1435.13(A) and (D)*.
4. The Insurance Commissioner, pursuant to *36 O.S. § 319*, has appointed an independent hearing examiner who shall sit as a quasi-judicial officer.
5. Informal disposition of this matter may be made by consent order pursuant to *75 O.S. §309(E)*.

STIPULATIONS OF FACT

1. Farmers Insurance ("Farmers") discovered, through an internal audit, irregularities with policies issued by the Nerissa Berry Insurance Agency. The individuals at issue working at the Agency were Respondent Nerissa Berry, along with staff members Devinne Walker, and Yesenia Molina.

Falsified Invoices for New Roof Discounts

2. Nerissa Berry Insurance Agency submitted falsified roof replacement invoices to support new roof discounts for 29 policies in order to provide insureds with a discount they were not otherwise entitled to. New Roof discounts are applied to policy premium upon proof of a new roof on a residence.
3. Of the above referenced twenty-nine (29) invoices, eighteen (18) of the forged new roof invoices were used for premium discount are attributable to Respondent Berry, nine (9) of the forged new roof invoices used from premium discount are attributable to Respondent Molina. User ID records were unavailable for the remaining two (2) policies.
4. Of the above referenced twenty-nine (29) invoices, one (1) was a forged invoice for Respondent Berry's personal property.

5. Of the twenty-nine (29) fraudulent roofing invoices resulted in a loss of \$25,127.00 in unpaid premiums to Farmers.

Voided Receipts

6. Between January 2018 and April 2019 there were a total of 85 wrongfully voided receipts that were voided by the Agency. Respondent Berry voided fifty-one (51) of those receipts.

7. As a result of voiding customer receipts and failing to remit payment, a total of \$7,365 in additional unpaid earned premium was incurred and \$3,340 in Early Shopper discounts were granted.

8. Respondent Berry admitted to voiding the new business and reinstatement payments claiming the customers said they would be paying later. Respondent Berry or her employees voided the receipts to reinstate or issue the policy with the Early Shopper discount.

9. Respondent Berry rewrote coverage for her mother, Cheryl Paxton, in January 2019, when she knew her mother owed the prior earned premium due and the policy was reinstated eligible.

10. Pursuant to the provisions of *36 O.S. §1435.13*:

a. 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 or may levy a civil penalty in accordance with subsection D of this section or any combination of actions, for any one or more of the following causes:

a. Having admitted or been found to have committed any insurance unfair trade practice or fraud;

- b. Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;
- b. In addition to or in lieu of any applicable denial, probation, censure, suspension or revocation of a license, a person may, after opportunity for hearing, be subject to a civil fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each occurrence. Said penalty may be enforced in the same manner in which civil judgments may be enforced.

CONCLUSIONS OF LAW

1. Respondent Berry violated 36 O.S. § 1435.13(A)(8) by submitting fictitious payments to issue or reinstate policies. Additionally, Respondent Berry submitted fictitious payments to support Early Shopper discounts in order to provide the insureds with a discount they weren't otherwise entitled to.
2. Respondent Berry 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 by:
 - a. By submitting fraudulent new roof invoices eighteen (18) times to Farmers to obtain premium discounts.
 - b. By issuing policies and showing the proper amount of premium paid in order to coerce Farmers into issuing an insurance policy only to later void the payment resulting in the client having insurance without proper payment.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner and AGREED to by Respondent Nerissa Berry that her insurance producer license is hereby SUSPENDED for three (3) months beginning the date the hearing examiner signs this Order and FINED in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) to be payable in installments of not less than \$1,500.00 per month with the full amount due by the end of Respondent's suspension. Respondent's license will not be reinstated until the fine is paid in full. The fine shall be made payable to the Oklahoma Insurance Department, located at 400 NE 50th Street, Oklahoma City, Oklahoma 73112. Failure to comply with a proper order of the Commissioner will result in further administrative action.

WITNESS My Hand and Official Seal this 7th day of July 2020.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


JUDGE CHARLES ALDEN

AGREED TO:


Sara Worten

ASSITANT GENERAL COUNSEL


Tynan Grayson

ATTORNEY FOR NERISSA BERRY

CERTIFICATE OF MAILING

I, Antuanya "Bo" DeBose, hereby certify that a true and correct copy of the above and foregoing Agreed Order was mailed by first class U.S. Mail and by certified mail with postage prepaid and return receipt requested on this 9th day of July, 2020 to:

Tynan Grayson
Grayson Law Group, PLLC
4334 NW Expressway, Ste. 273
Oklahoma City, OK 73116

Certified Mail Number
9214 8902 0982 7500 0297 40

Nerissa Berry
2408 Crestwood Drive
Jones, OK 73049

Certified Mail Number
9214 8902 0982 7500 0297 57

and that a copy was delivered to:

Licensing Division


Sara A. Worten

Date Produced: 07/20/2020

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0297 40. Our records indicate that this item was delivered on 07/17/2020 at 03:02 p.m. in EDMOND, OK 73003. The scanned image of the recipient information is provided below.

Signature of Recipient :

TL90
L14

Address of Recipient :

1420 GAY
PT LN

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:

TYNAN GRYSO
GRAYSON LAW GROUP PLLC
4334 NW EXPRESSWAY STE 273
OKLAHOMA CITY OK 73116-1576

Customer Reference Number: C2153300.12238464

Return Reference Number: SMS/19-0724-DIS (SAW)/Const Ord



Return address:

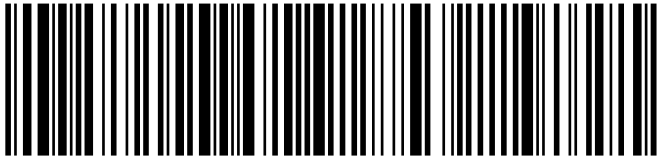
OKLAHOMA INSURANCE DEPARTMENT
5 CORPORATE PLAZA
OKLAHOMA CITY, OK 73112

Recipient address:

TYNAN GRAYSON
GRAYSON LAW GROUP PLLC
4334 NW EXPRESSWAY STE 273
OKLAHOMA CITY OK 73116-1576

MAILING DATE: 07/09/2020
DELIVERY DATE: 07/17/2020

USPS CERTIFIED MAIL



9214 8902 0982 7500 0297 40

USPS Tracking Label Number: 9214 8902 0982 7500 0297 40

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	OKLAHOMA CITY,OK 73105	07/09/2020 14:36
ORIGIN ACCEPTANCE	OKLAHOMA CITY,OK 73105	07/09/2020 20:14
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	07/09/2020 21:29
DEPART USPS FACILITY	OKLAHOMA CITY,OK 73107	07/10/2020 07:46
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	07/15/2020 21:02
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	07/16/2020 19:49
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CASE NUMBER: 19-0724-DIS
DEPARTMENT: LEGAL/SAW
SENDER: SMS
CUSTOM 4: CONSENT ORDER



**OKLAHOMA
INSURANCE
DEPARTMENT**

Legal Division
Insurance Commissioner Glen Mulready
400 NE 50th Street
Oklahoma City, OK 73105

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JUL 17 2020

Legal Division



TYNAN GRYSOY
GRAYSON LAW GROUP PLLC
4334 NW EXPRESSWAY STE 273
OKLAHOMA CITY OK 73116-1576

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

JUL 17 2020

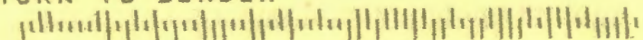
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ERCYNAB107218115

731 DBE 1342620I0107/14/20
RETURN TO SENDER 2ACS<-
GRAYSON LAW GROUP
1920 CEDAR POINTE LN
EDMOND OK 73003-2466

RETURN TO SENDER



Date Produced: 07/13/2020

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0297 57. Our records indicate that this item was delivered on 07/10/2020 at 01:01 p.m. in JONES, OK 73049. The scanned image of the recipient information is provided below.

Signature of Recipient :

JM R004 C-19
Berry

Address of Recipient :

2408 Crestwood Dr
Jones, OK

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:

NERISSA BERRY
2408 CRESTWOOD DRIVE
JONES OK 73049

Customer Reference Number: C2153300.12238465

Return Reference Number: SMS/19-0724-DIS (SAW)/Const Ord

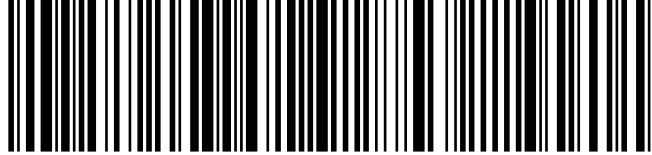
**Return address:**

OKLAHOMA INSURANCE DEPARTMENT
5 CORPORATE PLAZA
OKLAHOMA CITY, OK 73112

Recipient address:

NERISSA BERRY
2408 CRESTWOOD DRIVE
JONES OK 73049

MAILING DATE: 07/09/2020
DELIVERY DATE: 07/10/2020

USPS CERTIFIED MAIL

9214 8902 0982 7500 0297 57

USPS Tracking Label Number: 9214 8902 0982 7500 0297 57

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PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	OKLAHOMA CITY,OK 73105	07/09/2020 14:36
ORIGIN ACCEPTANCE	OKLAHOMA CITY,OK 73105	07/09/2020 20:14
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	07/09/2020 21:29
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	07/10/2020 04:55
DEPART USPS FACILITY	OKLAHOMA CITY,OK 73107	07/10/2020 07:46
DELIVERED LEFT WITH INDIVIDUAL	JONES,OK 73049	07/10/2020 13:01

CASE NUMBER: 19-0724-DIS
DEPARTMENT: LEGAL/SAW
SENDER: SMS
CUSTOM 4: CONSENT ORDER