

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 Yesenia Molina, by and through counsel, Rick L. Denker, 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 Yesenia Molina ("Respondent Molina") holding license number 197884, 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 129 Inman Drive, Oklahoma

City, Oklahoma 73127.

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(F)*.

STIPULATIONS OF FACT

1. On or about April 10, 2019, Farmers Insurance ("Farmers") discovered, through an internal audit, irregularities with policies issued by the Respondent Nerissa Berry Insurance Agency. The individuals at issue working at the Agency were Respondent Nerissa Berry, along with staff members Devinne Walker, and Respondent Yesenia Molina. This led to further investigation by Farmers.
2. On or about September 17, 2019, the Anti-Fraud Unit of the Oklahoma Insurance Department opened an investigation into this matter after receiving the report from Farmers. Investigator Mark Drummond was assigned to the case October 17, 2019.

Falsified Invoices for New Roof Discounts

3. The investigation of Respondents by Farmers revealed that the 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.
4. The Investigation revealed that:

- a. Eighteen (18) invoices contained an identically formatted and worded scope of repairs. The eighteen (18) invoices were from seven (7) different construction companies.
 - b. Eight (8) additional invoices from Pato's Roofing contained an identically worded and formatted scope of repairs, except for the roof age. Five (5) of these invoices contained the same invoice number.
 - c. Three inspection reports were identically worded, on the same letterhead, from three different companies.
5. Of the above referenced twenty-nine (29) invoices, eighteen (18) of the forged new roof invoices 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.
6. Of the twenty-nine (29) fraudulent roofing invoices resulted in a loss of \$25,127.00 in unpaid premiums to Farmers Respondent Molina was responsible for nine (9) fraudulent roofing invoices.
7. On November 12, 2019, Investigator Drummond and Investigator April Moore from the Oklahoma Insurance Department interviewed Respondent Molina. Respondent Molina stated the only items she sent in were provided by Devinne Walker. Additionally, Respondent Molina stated that everyone at the Respondent Agency had their own account set up with Farmers to upload documents and make changes on policies. Respondent Molina denied that passwords to those accounts were shared within the office.
8. 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 Molina violated 36 O.S. § 1435.13(4)(8), being responsible for the submission of fraudulent invoices nine (9) times which indicate new roofs were placed on the insured properties resulting in premium discounts from Farmers.

ORDER

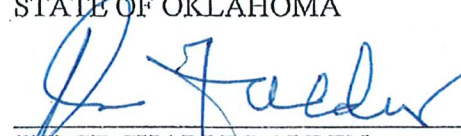
IT IS THEREFORE ORDERED by the Insurance Commissioner and AGREED to by Respondent Molina that she is hereby CENSURED and FINED in the amount of THREE HUNDRED DOLLARS (\$300.00). The fine shall be paid within thirty (30) days from the date of this Agreed Order and made payable to the Oklahoma Insurance

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 1st day of July 2020.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


JUDGE CHARLES ALDEN

AGREED TO:


Sara Worten
ASSITANT GENERAL COUNSEL


Rick L. Denker
ATTORNEY FOR YESENIA MOLINA

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 ~~June~~ July, 2020 to:

Yesenia Molina
129 Inman Drive
Oklahoma City, Oklahoma 73127

Certified Mail Number
7019 1640 0001 3037 2677

AND

Rick L. Denker
Denker & Zuhdi, PLLC
Sara M. Zuhdi
4700 NW 23rd Street, Suite 112
Oklahoma City, Oklahoma 73127
Attorney for Yesenia Molina

Certified Mail Number
9214 8902 0982 7500 0297 64

and that a copy was delivered to:

Licensing Division



Antuanya "Bo" DeBose

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 64. Our records indicate that this item was delivered on 07/13/2020 at 09:50 a.m. in OKLAHOMA CITY, OK 73127. The scanned image of the recipient information is provided below.

Signature of Recipient :

Denker
TK Sh DMG

Address of Recipient :

4700 23
112

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:

RICK L DENKER
DENKER & ZUHDI PLLC
SARA M ZUHDI
4700 NW 23RD ST STE 112
OKLAHOMA CITY OK 73127-2037

Customer Reference Number: C2153300.12238467

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

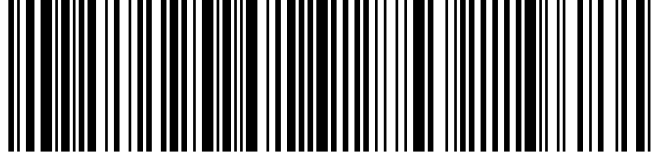
**Return address:**

OKLAHOMA INSURANCE DEPARTMENT
5 CORPORATE PLAZA
OKLAHOMA CITY, OK 73112

Recipient address:

RICK L DENKER
DENKER & ZUHDI PLLC
SARA M ZUHDI
4700 NW 23RD ST STE 112
OKLAHOMA CITY OK 73127-2037

MAILING DATE: 07/09/2020
DELIVERY DATE: 07/13/2020

USPS CERTIFIED MAIL

9214 8902 0982 7500 0297 64

USPS Tracking Label Number: 9214 8902 0982 7500 0297 64

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	07/10/2020 18:36
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	07/12/2020 16:39
DELIVERED LEFT WITH INDIVIDUAL	OKLAHOMA CITY,OK 73127	07/13/2020 09:50

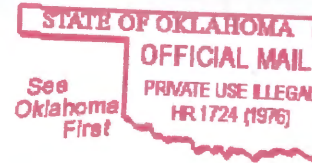
CASE NUMBER: 19-0724-DIS
DEPARTMENT: LEGAL/SAW
SENDER: SMS
CUSTOM 4: CONSENT ORDER



**OKLAHOMA
INSURANCE
DEPARTMENT**

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

RETURN
SERVICE
REQUESTED



neopost
07/10/2020

US POSTAGE

FIRST-CLASS MAIL
AUTO

\$000.41⁹



ZIP 73111
041L12204360

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

JUL 22 2020

Legal Division



Yesenia Molina
129 Indian Drive
Oklahoma City, OK 73127

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

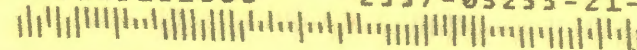
JUL 22 2020

MAILROOM

NIXIE 731 DE 1270 0007/21/20

RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD

BC: 73105181600 *2557-03255-21-17



NSN

ERC 7/25 > 73127