

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

FILED

MAR 06 2020

INSURANCE COMMISSIONER
OKLAHOMA

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

Petitioner,

vs.

Case No. 20-0091-DIS

**ANAYELI PADILLA,
a resident producer,**

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, and alleges and states as follows:

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

2. Respondent, Anayeli Padilla ("Respondent"), holding license number 17637425, 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 16420 S. 97th E. Pl., Bixby, Oklahoma 74008.

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.

FINDINGS OF FACT

4. In October of 2019, the Agent Licensing Unit of the Oklahoma Insurance Department (the "Department") was notified that Respondent was terminated for cause by her appointing insurer, Ed Martinez State Farm Insurance Agency ("State Farm").

5. State Farm's ground for termination was that Respondent misappropriated a \$233.59 premium payment that she received from a State Farm customer.

6. On or about June 24, 2019, Respondent accepted a premium payment from a State Farm customer in the amount of \$233.59 in cash provided the customer with a receipt.

7. State Farm later notified the customer that his June payment was overdue.

8. On or about July 17, 2019, the customer provided State Farm with the receipt provided by Respondent confirming his payment of the premium. As a result, State Farm investigated its payment system and discovered Respondent had altered the June 24th report by deleting the payment from the system.

9. On or about July 19, 2019, State Farm sent a letter to Respondent reprimanding her for actions on June 24th.

10. On or about July 20, 2019, State Farm confronted Respondent about the interaction with the customer. Respondent denied altering the system. Initially, Respondent claimed that the payment was in the system, and that she had given another customer the wrong change.

11. State Farm informed Respondent that she had until about August 9, 2019 to return the payment, otherwise, it would be taken out of paycheck.

12. On or about August 12, 2019, Respondent resigned as an insurance producer with State Farm.

CONCLUSIONS OF LAW

13. Respondent violated 36 O.S. § 1435.13(A)(4) by “[i]mproperly withholding, misappropriating or converting any monies . . . received in the course of doing insurance business.”

14. Pursuant to 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.

15. Pursuant to 36 O.S. § 1435.13(D), in addition to or in lieu of any applicable denial, probation, censure, suspension or revocation of a license, any person found in violation of any provision of the Oklahoma Producer Licensing Act may be subject to a civil penalty of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1000.00) for each occurrence.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent is hereby **FINED Two Hundred Thirty-Three Dollars and Fifty-Nine Cents (\$233.59)** for a violation of 36 O.S. § 1435.13(A)(4). The **\$233.59 fine is to be paid within thirty (30) days** of this Conditional Administrative Order and made payable to the Oklahoma Insurance Department.

Respondent is further notified that she may request a hearing within **thirty (30) days** of the receipt of this Order. If Respondent does not request a hearing within **thirty (30) days** of receipt of this Order, it shall become a **FINAL ORDER** on the 31st day following receipt.

A request for hearing shall be made in writing to Kayla M. Rochelle, Assistant General Counsel, Oklahoma Insurance Department, Legal Division, 400 NE 50th Street, Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds for the request to set aside or

modify the Order. Upon such request, a hearing shall be conducted before an independent hearing examiner.

The 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 et seq. If Respondent timely serves a request for hearing, this Conditional Order shall act as a 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 shall be considered withdrawn, pending final resolution of this matter through hearing.

WITNESS My Hand and Official Seal this 10th day of March 2020.

GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA





Kayla M. Rochelle, OBA #34014
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, Oklahoma, 73105
Telephone: (405) 521-4036
Facsimile: (405) 522-0125
Email: Kayla.Rochelle@oid.ok.gov

CERTIFICATE OF SERVICE

I, Kayla Rochelle, hereby certify that a true and correct copy of the above and foregoing Conditional Administrative Order was mailed certified, return receipt requested, on this 6th day of March 2020 to:

Anayeli Padilla
16420 S. 97th E. Pl.
Bixby, Oklahoma 74008

Certified Mail Number
7018 1130 0001 5225 1362

and a copy was delivered to:

Courtney Khodabakhsh
Agent Licensing Division

Kayla M. Rochelle
Kayla M. Rochelle

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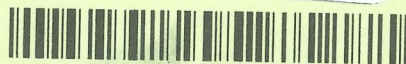
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16420 S. 97th E. Pl.
Bixby, OK 74008
SMS/20-0091-DIS/Cond Ord

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Address

Anayeli Padilla
16420 S. 97th E. Pl.
Bixby, OK 74008
SMS/20-0091-DIS/Cond Ord



9590 9402 4479 8248 3847 31

2. Article Number (Transfer from service label)

7018 1130 0001 5225 1362

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Anayeli Padilla*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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OKLAHOMA INSURANCE DEPARTMENT
MAR 30 2020

3. Service Type

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