

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

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

Petitioner,

v.

**HOLLY RIVERA, a licensed insurance
Producer in the State of Oklahoma,**

Respondent.

Case No. 20-0178-DIS

FILED

AUG 05 2020

**INSURANCE COMMISSIONER
OKLAHOMA**

FINAL ADMINISTRATIVE ORDER

This matter is a disciplinary proceeding under the Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1 et seq. On July 16, 2020, a show cause hearing was held at the Oklahoma Insurance Department (“OID”) on the OID’s Amended Notice of Hearing and Order to Show Cause (“Notice”), filed June 29, 2020. The hearing was held at the offices of the OID before Independent Hearing Examiner Charles Alden, III. Present at the hearing were Kayla M. Rochelle, Assistant General Counsel for the OID, and Rick Wagon for the OID’s Anti-Fraud Division. Respondent did not appear.

Upon consideration of the evidence the Hearing Examiner makes the following finding of fact and conclusions of law.

FINDINGS OF FACT

1. That the OID has jurisdiction over the subject matter of this action pursuant to 36 O.S. §§ 101-7401, including the Oklahoma Producer Licensing Act, 36 O.S. § 1435.1 et seq.

2. That the Insurance Commissioner has the authority to render an Order concerning the above-styled matter and has lawfully appointed Independent Hearing

Examiner, Charles Alden, III, who shall sit as a quasi-judicial officer pursuant to 36 O.S. § 319.

3. Holly Rivera (“Respondent”) holds a resident producer license, #100263669, and is licensed in the State of Oklahoma. Respondent’s address of record is 924 N. Cook, Cordell, Oklahoma 73632.

4. 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 36 O.S. § 1435.13(A) and (D).

5. Petitioner afforded Respondent an opportunity for hearing by sending the *Amended Notice of Hearing and Order to Show Cause* by certified mail, postage prepaid and return receipt requested, on June 29, 2020 to Respondent. The *Amended Notice of Hearing and Order to Show Cause*, filed on June 29, 2020, stated the matters asserted, and stated the time, place and nature of the hearing, cited legal authority and jurisdiction, and referred to particular sections of the statutes involved.

6. The hearing was recorded electronically by an employee of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

7. The following exhibits were introduced and admitted:

- a) Exhibit A: Information for *State of Oklahoma v. Holly Renee Rivera* in the District Court of Washita County, Case No. CF-2019-46
- b) Exhibit B: Plea of Guilty and Summary of Facts for *State of Oklahoma v. Holly Renee Rivera* in the District Court of Washita County, Case No. CF-2019-46
- c) Exhibit C: Deferment for *State of Oklahoma v. Holly Renee Rivera* in the District Court of Washita County, Case No. CF-2019-46
- d) Exhibit D: Respondent’s licensing record from State Based Systems (“SBS”)

- e) Exhibit F: Return receipt for the Amended Notice of Hearing and Order to Show Cause mailed on June 29, 2020.

8. The following witnesses were sworn and testified under oath:

- a) Rick Wagnon, Investigator with the OID

9. On or about February 11, 2019, Respondent was issued a resident insurance producer license in Oklahoma. (Testimony of Rick Wagnon and Exhibit D)

10. On or about April 20, 2019, the OID's Anti-Fraud Division ("Anti-Fraud Division") received a complaint from the Oklahoma Farm Bureau for Washita County ("OFB") regarding Respondent. (Testimony of Rick Wagnon)

11. While employed with OFB, Respondent used the corporate credit card account for personal purchases. Respondent also abused the insurance agent's trust account by creating insurance policies for herself without depositing the premium to the insurance agent's trust account. Furthermore, Respondent accepted a cash payment from an OFB customer; however, the payment was not deposited into the insurance agent's trust account. (Testimony of Rick Wagnon)

12. Based on Respondent's actions while employed with OFB, she was criminally charged on or about June 10, 2019 in *State of Oklahoma v. Holly Renee Rivera* in the District Court of Washita County, Case No. CF-2019-46, for one count of felony embezzlement in violation of 21 O.S. § 1451. (Testimony of Rick Wagnon and Exhibit A)

13. On or about February 25, 2020, Respondent pled guilty to the felony charge. The Plea of Guilty and Summary of Facts was filed on February 26, 2020. (Testimony of Rick Wagnon and Exhibit B)

14. On or about February 25, 2020, Respondent's sentence was deferred for seven years until February 24, 2027. The Deferment was filed on or about March 17, 2020. (Testimony of Rick Wagnon and Exhibit C)

15. At no time during the pendency of the criminal proceeding against Respondent or anytime thereafter did Respondent notify the OID of the criminal charges against her in accordance with 36 O.S. § 1435.18(B). (Testimony of Rick Wagnon and Exhibit D)

CONCLUSIONS OF LAW

16. That the OID has jurisdiction over this matter and Respondent pursuant to 36 O.S. § 1435.1 *et seq.*

17. That Respondent is licensed by the OID as a resident producer pursuant to 36 O.S. § 1435.1 *et seq.*

18. That Respondent was provided adequate notice and a hearing pertaining to the Amended Notice of Hearing and Order to Show Cause filed on June 29, 2020, in accordance with the Oklahoma Insurance Code and the Oklahoma Administrative Procedures Act.

19. Based upon the above provided findings of fact there is clear and convincing evidence to find that Respondent violated the following:

- a) 36 O.S. § 1435.13(A)(2) by failing to report the criminal proceeding instituted against her in the District Court of Washita County.
- b) 36 O.S. § 1435.13(A)(8) by demonstrating financial irresponsibility by (1) embezzling funds from her employer, the Oklahoma Farm Bureau for Washita County, using the company credit card; and (2) pleading guilty to embezzlement in the District Court of Washita County.

20. 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 impose a civil fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) when a licensee (1) violates any insurance laws, or violates any regulation, subpoena or order of the Insurance Commissioner or of another state's Insurance Commissioner; (2) uses fraudulent, coercive, or dishonest practices, or demonstrates incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere. *See 36 O.S. §§ 1435.13(A)(2), (A)(8), and (D).*

ORDER

IT IS THEREFORE ORDERED that Holly Rivera's resident insurance producer license is hereby revoked. Respondent is ordered to pay the costs of the proceeding in the amount of Two Hundred Sixty-Two Dollars and Fifty Cents (\$262.60) and is fined One Thousand Dollars (\$1,000.00). The Insurance Commissioner shall notify all appointing insurers of the revocation and shall notify the Central Office the National Association of Insurance Commissioners of Respondent's revocation.

Done this 3 day of August 2020.





CHARLES ALDEN, III
INDEPENDENT HEARING EXAMINER
OKLAHOMA INSURANCE DEPARTMENT

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing *Final Administrative Order* was mailed by first-class U.S. Mail and by certified mail, with postage prepaid and return receipt, requested on this 5th day of August 2020 to:

Holly Rivera
924 N. Cook
Cordell, OK 73632

Certified Mail Number
9214 8902 0982 7500 0303 19

and that a copy was delivered to:

Rick Wagon
Anti-Fraud Division

Courtney Khodabakhsh
Licensing Division



Kayla M. Rochelle

Date Produced: 08/10/2020

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0303 19. Our records indicate that this item was delivered on 08/08/2020 at 08:27 a.m. in CORDELL, OK 73632. The scanned image of the recipient information is provided below.

Signature of Recipient :
(Authorized Agent)

RN R+1
CO 14

Address of Recipient :

924 N COOK

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:

HOLLY RIVERA
924 N COOK
CORDELL OK 73632-2801

Customer Reference Number: C2203485.12518954

Return Reference Number: SMS/20-0178-DIS (KMR)/Final Admin Ord

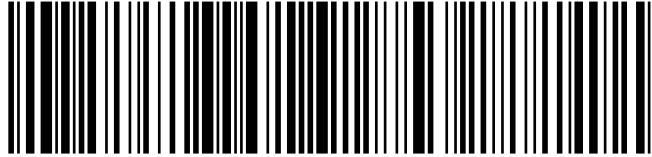
**Return address:**

OKLAHOMA INSURANCE DEPARTMENT
5 CORPORATE PLAZA
OKLAHOMA CITY, OK 73112

Recipient address:

HOLLY RIVERA
924 N COOK
CORDELL OK 73632-2801

MAILING DATE: 08/06/2020
DELIVERY DATE: 08/10/2020

USPS CERTIFIED MAIL

9214 8902 0982 7500 0303 19

USPS Tracking Label Number: 9214 8902 0982 7500 0303 19

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	OKLAHOMA CITY,OK 73105	08/06/2020 15:39
ORIGIN ACCEPTANCE	OKLAHOMA CITY,OK 73105	08/06/2020 18:20
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	08/06/2020 19:35
DEPART USPS FACILITY	OKLAHOMA CITY,OK 73107	08/06/2020 20:49
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	08/07/2020 17:14
DELIVERED TO AGENT FOR FINAL DELIVERY	CORDELL,OK 73632	08/08/2020 08:27
DELIVERED (SYSTEM ADDED)		08/10/2020 06:15

CASE NUMBER: 20-0178-DIS
DEPARTMENT: LEGAL/KMR
SENDER: SMS
CUSTOM 4: FINAL ADMINISTRATIVE ORDER