

FILED

MAY 22 2020

INSURANCE COMMISSIONER  
OKLAHOMA

**Case No. 20-0194-DEN**

**Respondent.**

## JURISDICTION

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.

### **ALLEGATIONS OF FACT**

4. On or about March 22, 2020, Respondent submitted an application to renew his nonresident insurance producer license with the Oklahoma Insurance Department ("OID"). Respondent's license will expire on May 31, 2020.

5. On the application form, the second question asks the following: "Have you ever been named or involved as a party in an administrative proceeding...regarding any professional or occupational license or registration?" Respondent answered "no" to this question.

6. The application form defines "involved" as having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action. Applicants may only exclude "terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee."

7. A background check, conducted by the OID Licensing Division, revealed that Respondent had the following administrative action listed on his record: an action taken by the Louisiana Department of Insurance on or about April 1, 2019 for failing to timely file an annual viatical settlement broker report for 2019. Respondent was fined \$50.00 and required to submit the annual report for said violation. Respondent resolved said action by paying the fine on or about April 30, 2019.

8. On or about March 30, 2020, the OID Licensing Division received a letter of explanation regarding the above administrative action. Respondent stated that he did not file the annual viatical settlement broker report because he did not conduct any viatical settlement

transactions in 2018, the reporting period. He was unaware that the reporting requirement applied when no transactions were conducted during the reporting period.

9. Accordingly, Respondent did not properly disclose the aforementioned administrative action in his renewal application.

### **ALLEGED VIOLATIONS OF LAW**

10. Respondent violated 36 O.S. § 1435.13(A)(1) by providing incorrect, misleading, incomplete, or materially untrue information in his answer to the second question on his renewal application.

11. Pursuant to 36 O.S. § 1435.13(A), “[t]he Insurance Commissioner may censure, suspend, revoke, or refuse to issue or renew a license issued pursuant to the Oklahoma Producer Licensing Act.”

12. 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 **CENSURED** for violating 36 O.S. § 1435.13(A)(1).

**IT IS FURTHER ORDERED** that Respondent’s application for renewal of his nonresident producer license shall be approved.

Respondent is further notified that he may request a hearing within **thirty (30) days of**

**the date of mailing of this Order.** If Respondent does not request a hearing within **thirty (30) days** of the date mailing of this Order, this Conditional Administrative Order shall become a **FINAL ORDER** on the **thirty-first (31<sup>st</sup>)** day following mailing of this Order.

A request for hearing shall be made in writing to Kayla M. Rochelle, Assistant General Counsel, Oklahoma Insurance Department, Legal Division, 400 NE 50<sup>th</sup> Street, Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds to set aside or modify this Conditional Administrative 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 Allegations of Fact, Alleged Violations 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 22nd day of May 2020.



GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

s/ Kayla M. Rochelle  
Kayla M. Rochelle, OBA #34014  
Assistant General Counsel  
400 NE 50<sup>th</sup> Street  
Oklahoma City, OK 73105  
Telephone: 405-521-4036  
Facsimile: 405-522-0125  
Email: Kayla.Rochelle@oid.ok.gov



**CERTIFICATE OF MAILING**

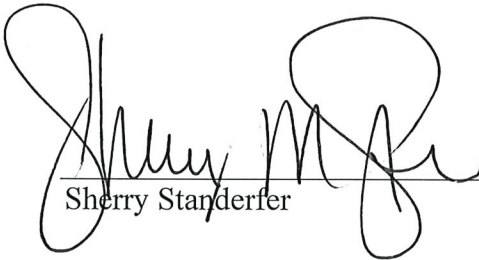
I hereby certify that a true and correct copy of the above and foregoing Conditional Administrative Order and Notice of Right to be Heard was mailed by regular and certified mail, with postage prepaid and return receipt requested, on this 22<sup>nd</sup> day of May, 2020, to:

James Anthony Parry  
8441 Albritton Drive  
Frisco, Texas 75034

**CERTIFIED MAIL NO. 9214 8902 0982 7500 0288 80**

and a copy was delivered to:

Licensing Division

  
Sherry Standerfer

Date Produced: 06/01/2020

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0288 80. Our records indicate that this item was delivered on 05/29/2020 at 01:05 p.m. in FRISCO, TX 75036. The scanned image of the recipient information is provided below.

Signature of Recipient :

J. PARRY  
G.P. 4V C19

Address of Recipient :

8441  
ALBRITTON

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:

JAMES ANTHONY PARRY  
8441 ALBRITTON DR  
FRISCO TX 75036-7702

Customer Reference Number: C2081120.11848404

Return Reference Number: SMS/20-0194-DEN (KMR)/Cond Ord

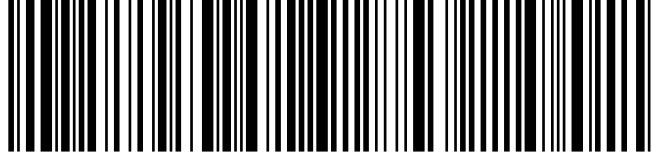
**Return address:**

OKLAHOMA INSURANCE DEPARTMENT  
5 CORPORATE PLAZA  
OKLAHOMA CITY, OK 73112

**Recipient address:**

JAMES ANTHONY PARRY  
8441 ALBRITTON DR  
FRISCO TX 75036-7702

MAILING DATE: 05/22/2020  
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**USPS CERTIFIED MAIL**

9214 8902 0982 7500 0288 80

**USPS Tracking Label Number: 9214 8902 0982 7500 0288 80**

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	OKLAHOMA CITY,OK 73105	05/22/2020 14:11
SHIPMENT RECEIVED ACCEPTANCE PENDING	OKLAHOMA CITY,OK 73118	05/22/2020 14:22
ORIGIN ACCEPTANCE	OKLAHOMA CITY,OK 73105	05/22/2020 21:49
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	05/22/2020 23:04
DEPART USPS FACILITY	OKLAHOMA CITY,OK 73107	05/23/2020 07:53
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NO AUTHORIZED RECIPIENT AVAILABLE	FRISCO,TX 75036	05/26/2020 12:58
DELIVERED LEFT WITH INDIVIDUAL	FRISCO,TX 75036	05/29/2020 13:05

CASE NUMBER: 20-0194-DEN

DEPARTMENT: LEGAL/KMR

SENDER: SMS

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