

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

NOV 23 2020

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

[INSURANCE COMMISSIONER
OKLAHOMA

Petitioner,

v.

Case No. 20-0413-DEN

JOEL WILLIAM GIDEON, applicant for
insurance producer license in the State of
Oklahoma

Respondent.

FINAL ADMINISTRATIVE ORDER

This matter is a denial proceeding under the Oklahoma Producer Licensing Act. 36 O.S. §§ 1435.1 et seq. The Oklahoma Insurance Department (“OID”) notified Respondent that his application for his individual insurance producer license was denied for having been convicted of a felony pursuant to 36 O.S. § 1435.13(A)(6) on or about August 26, 2020. Respondent requested a formal administrative hearing before an independent hearing examiner concerning the matter on or about August 29, 2020.

On or about November 5, 2020, a show cause hearing was held on the OID’s Notice of Hearing and Order to Show Cause (“Notice”), filed on September 10, 2020. The hearing was held at the offices of the OID before Independent Hearing Examiner John Miller (“Hearing Examiner”). The OID informed the Hearing Examiner that it would not be pursuing an alleged violation pursuant to 36 O.S. § 1435.13(A)(1). Present at the hearing were Kayla M. Rochelle, Assistant General Counsel for the OID, and Stacey Brown for the OID’s Licensing Division. Respondent did not appear.

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

FINDINGS OF FACT

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 Joel Gideon ("Respondent") is an applicant for a resident insurance producer license in the State of Oklahoma. His address of record is 1024 N.W. 22nd Street, Moore, Oklahoma 73160.

3. 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).

4. Petitioner afforded Respondent an opportunity for hearing after reasonable notice, pursuant to 75 O.S. § 309(A), by sending the *Notice of Hearing and Order to Show Cause* by certified mail, postage prepaid with return receipt requested, to Respondent's address of record on or about September 10, 2020, which was returned to the OID by the USPS and marked as "Unclaimed." On or about October 12, 2020, Respondent provided a current address to the OID which was sent from his email address of record. On the same day, the OID sent the *Notice of Hearing and Order to Show Cause* by email to the same email address that Respondent used to provide his current address. The *Notice of Hearing and Order to Show Cause*, filed on September 10, 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.

5. The Insurance Commissioner, pursuant to 36 O.S. § 319, appointed an

independent hearing examiner who sits as a quasi-judicial officer. The Insurance Commissioner appointed John Miller to hear the case as the independent hearing examiner.

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

7. The following exhibits were introduced and admitted:

- a) Exhibit 1: Respondent's resident insurance producer license application;
- b) Exhibit 2: Felony Information for *State of Texas v. Joel William Gideon* in the 271st District Court of Wise County, CR-14857
- c) Exhibit 3: Written Plea Admonishments for *State of Texas v. Joel William Gideon* in the 271st District Court of Wise County, CR-14857
- d) Exhibit 4: Order of Deferred Adjudication; Community Supervision for *State v. Joel William Gideon* in the 271st District Court of Wise County, CR-14857
- e) Exhibit 5: State's Motion to Proceed to Adjudication for *State of Texas v. Joel William Gideon* in the 271st District Court of Wise County, CR-14857
- f) Exhibit 6: Written Admonishments of Adjudication of Guilt for *State of Texas v. Joel William Gideon* in the 271st District Court of Wise County, CR-14857
- g) Exhibit 7: Judgment Adjudicating Guilt for *State of Texas v. Joel William Gideon* in the 271st District Court of Wise County, CR-14857
- h) Exhibit 8: Denial letter of Respondent's Resident Producer Application
- i) Exhibit 9: Respondent's letter requesting a hearing

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

- a) Stacey Brown, Licensing Administrator with the OID

9. Respondent applied electronically for a resident insurance producer license on or about August 8, 2020 with the OID. On the application form, question 1b asked

Respondent, “Have you ever been convicted of a felony, had a judgement withheld or deferred, or are you currently charged with committing a felony?” Respondent answered “yes” to this question. (Testimony of Stacey Brown and Exhibit 1)

10. Respondent did not submit the court documents regarding this criminal charge with his application. Upon request sent by the OID to Respondent’s email address of record on or about August 12, 2020, Respondent provided the court documents regarding the criminal charge. (Testimony of Stacey Brown)

11. On or about November 24, 2008, Respondent was criminally charged with one count of possession of marijuana over four ounces under five pounds, a State Jail Felony, in *State of Texas v. Joel William Gideon* in the 271st District Court of Wise County, Case No. 14857. (Testimony of Stacey Brown and Exhibit 2)

12. On or about November 24, 2008, Respondent pled guilty to the felony charge. Respondent’s sentence was deferred for four years until November 24, 2012. (Testimony of Stacey Brown and Exhibit 3 and 4)

13. On or about July 30, 2009, the State of Texas filed a Motion to Proceed to Adjudication because Respondent violated numerous terms of his probation. (Testimony of Stacey Brown and Exhibit 5)

14. On or about September 29, 2009, Respondent was convicted of the above-mentioned felony. (Testimony of Stacey Brown and Exhibit 6 and Exhibit 7).

CONCLUSIONS OF LAW

15. Respondent was provided notice and a hearing pertaining to the *Notice of Hearing and Order to Show Cause* filed on or about September 10, 2020, 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.

16. Respondent's application for resident insurance producer license may be denied under 36 O.S. § 1435.13(A)(6) based on Respondent's conviction in CR-14857 in the 271st District Court of Wise County, State of Texas.

ORDER

IT IS THEREFORE ORDERED that Respondent Joel Gideon's application for a resident insurance producer license is **DENIED**.

IT IS FURTHER ORDERED that Respondent pay the costs of the proceeding in the amount of One Hundred Twenty-Five Dollars (\$125.00) within thirty (30) days of the date of this Order. The \$125.00 payment shall be made payable to the Oklahoma Insurance Department and may be paid by check, cashier's check, or money order.

WITNESS My Hand and Official Seal this 5th day of November 2020.





JOHN MILLER
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, certified mail, with postage prepaid and return receipt requested, and electronic mail on this 23rd day of November 2020 to:

Joel Gideon
912 NE 17th Street
Moore, OK 73160

CERTIFIED MAILING NO. 9214 8902 0982 7500 0323 82

and that a copy was emailed to:

joelgideon42@gmail.com

and that a copy was delivered to:

Licensing Division


Kayla M. Rochelle

Date Produced: 11/30/2020

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0323 82. Our records indicate that this item was delivered on 11/25/2020 at 03:06 p.m. in OKLAHOMA CITY, OK 73160. The scanned image of the recipient information is provided below.

Signature of Recipient :

B. CAVIN
→ 715 6019

Address of Recipient :

912 NE 17

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:

JOEL GIDEON
912 NE 17TH ST
MOORE OK 73160-6536

Customer Reference Number: C2387606.13662088

Return Reference Number: SMS/20-0413-DEN (KMR)/Final Order

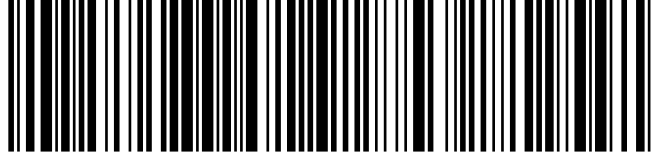
**Return address:**

OKLAHOMA INSURANCE DEPARTMENT
5 CORPORATE PLAZA
OKLAHOMA CITY, OK 73112

Recipient address:

JOEL GIDEON
912 NE 17TH ST
MOORE OK 73160-6536

MAILING DATE: 11/23/2020
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USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	OKLAHOMA CITY,OK 73105	11/23/2020 15:34
SHIPMENT RECEIVED ACCEPTANCE PENDING	OKLAHOMA CITY,OK 73118	11/23/2020 15:50
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PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY,OK 73107	11/25/2020 03:46
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CASE NUMBER: 20-0413-DEN
DEPARTMENT: LEGAL/KMR
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