

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

FEB 04 2021

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
MASON CUMMINGS,)
a formerly licensed resident)
insurance producer in the State of Oklahoma,)
)
and)
)
ERIC RICE,)
a licensed resident insurance producer)
in the State of Oklahoma)
)
Respondents.)

Case No. 20-0585-DIS

**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, Kayla M. Rochelle, 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. §§ 101-740I, including the Oklahoma Producer Licensing Act, 36 O.S. § 1435.1 et seq.

2. Respondent Mason Cummings (“Respondent Cummings”) was a resident insurance producer, formerly holding license #100114446, as defined and required by 36 O.S. § 1435.2(7). His address of record is 2750 S. Post Rd., Midwest City, Oklahoma

73130-7518.

3. Respondent Eric Rice ("Respondent Rice") is a licensed resident insurance producer, holding license #100248778. His address of record is 1002 SW 89th St., Apt. 724, Oklahoma City, Oklahoma 73139-9434.

4. 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), (D), and (F)*.

ALLEGATIONS OF FACT

5. On or about September 13, 2019, Allstate submitted a complaint to the Oklahoma Insurance Department ("OID") alleging Respondent Cummings and Respondent Rice falsified driver's license numbers on auto insurance applications and intentionally provided false information to Allstate. Lucia Montano ("Investigator Montano"), a Senior Investigator and Attorney for Allstate, investigated the matter on Allstate's behalf. The OID Anti-Fraud Division assigned Investigator Jon Huntington to further investigate the complaint.

6. Allstate's investigation revealed that, between 2017 and 2018, Respondent Cummings issued, or caused to be issued, over sixty (60) policies with fictitious driver's license numbers. Of those sixty (60) policies, at least four (4) were bound by Respondent Rice using incorrect driver's license numbers while he worked for Respondent Cummings.

7. Investigator Montano conducted a telephone interview with Respondent Cummings. During that interview, Respondent Cummings claimed that the issue was caused by his staff's inattention to detail. Respondent Cummings further admitted that he did not review the business written by his staff.

8. Investigator Montano conducted a telephone interview with Respondent Rice in July 2019. During that interview, Respondent Rice confirmed that he bound the four (4) policies mentioned above. Respondent Rice claimed that another employee inputted the driver's license numbers before he bound one (1) of the policies and could not provide an explanation for two (2) of the policies. Respondent Rice admitted that he did not obtain the driver's license numbers before he bound one (1) of the policies. Respondent Rice provided no documentation to support his claims, and Allstate's investigation revealed that Respondent Rice's identification number was the only number listed on the four (4) policies bound by Respondent Rice.

9. On or about September 23, 2020, Investigator Huntington conducted a telephone interview with Respondent Rice. During that interview, Respondent Rice denied any responsibility for the fictitious driver's license numbers for the four (4) policies bound by him. Respondent Rice further admitted that such practice was performed to bundle policies to obtain better insurance rates.

ALLEGED VIOLATIONS OF LAW

10. Respondent Cummings violated 36 O.S. § 1435.13(A)(8) by using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state by falsifying or allowing to be falsified the driver's license numbers on auto insurance applications for sixty (60) auto insurance policies.

11. Respondent Rice violated 36 O.S. § 1435.13(A)(8) by using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or

financial irresponsibility in the conduct of business in this state by falsifying the driver's license numbers on auto insurance applications for four (4) auto insurance policies.

12. 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."

13. Pursuant to 36 O.S. § 1435.13(D), "[i]n 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 (\$1,000.00) for each occurrence."

ORDER

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent Cummings is hereby **FINED One Thousand Dollars (\$1,000.00)** for violating 36 O.S. § 1435.13(A)(8). **The \$1,000.00 fine is to be paid within thirty (30) days of the date of this Conditional Administrative Order.** Said payment shall be made payable to the Oklahoma Insurance Department and may be paid by check, cashier's check, or money order.

IT IS FURTHERED ORDERED, ADJUDGED, AND DECREED by the Insurance Commissioner, subject to the following paragraph, that Respondent Rice is hereby **FINED Four Hundred Dollars (\$400.00)** for violating 36 O.S. § 1435.13(A)(8). **The \$400.00 fine is to be paid within thirty (30) days of the date of this Conditional Administrative Order.** Said payment shall be made payable to the Oklahoma Insurance

Department and may be paid by check, cashier's check, or money order.

Respondent Cummings and Respondent Rice are further notified that they may request a hearing within **thirty (30) days of the date of mailing of this Order**. If neither Respondent Cummings nor Respondent Rice requests 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 (31st)** 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 50th 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 either Respondent Cummings or Respondent Rice 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 3rd day of February 2021.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

s/ Kayla M. Rochelle
Kayla M. Rochelle, OBA #34014
Assistant General Counsel
Oklahoma Insurance Department
400 NE 50th Street
Oklahoma City, OK 73105
Telephone: (405) 521-2748
Facsimile: (405) 522-0125

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 first class U.S. Mail, by certified mail, with postage prepaid and return receipt requested, and by electronic mail on this ~~4th~~ day of February 2021 to:

Mason Cummings
2750 S Post Rd.
Midwest City, OK 73130-7518

CERTIFIED MAILING NO. 7020 2450 0000 1482 7615

Mason Cummings
13327 N. Triple XXX Rd.
Luther, OK 73054-9201

CERTIFIED MAILING NO. 7020 2450 0000 1482 7622

Mason Cummings
676 Mokapu Road
Kailua, HI 96734

CERTIFIED MAILING NO. 7020 2450 0000 1482 7639

masoncumplings@gmail.com
mason.cummings@allstate.com
mason.cummings@yahoo.com
bodean2005@yahoo.com

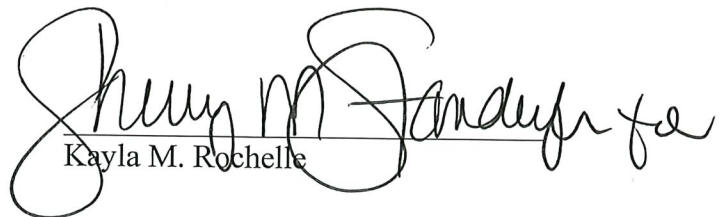
Eric Rice
1002 SW 89th St.
Apt 724
Oklahoma City, OK 73139-9434

CERTIFIED MAILING NO. 7020 2450 0000 1482 7646

ericrice38@gmail.com
eric.rice.xl4p@statefarm.com

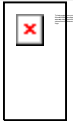
and that a copy was delivered to:

Licensing Division


Kayla M. Rochelle

Sherry Standerfer

From: Domain postMaster address <postmaster@omes.ok.gov>
Sent: Sunday, February 7, 2021 5:24 PM
To: Sherry Standerfer
Subject: Your message couldn't be delivered



Your message couldn't be delivered

The message you sent to mason.cummings@yahoo.com couldn't be delivered due to:
Recipient email server rejected the message.

Further information

30 Sorry, your message to mason.cummings@yahoo.com cannot be delivered. This mailbox is disabled (554.30).

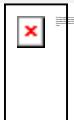
If you sent this message to multiple addresses, you'll receive a notification like this for every one that didn't arrive.



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Sherry Standerfer

From: Domain postMaster address <postmaster@omes.ok.gov>
Sent: Thursday, February 11, 2021 1:30 PM
To: Sherry Standerfer
Subject: Your message couldn't be delivered



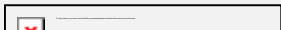
Your message couldn't be delivered

The message you sent to masonlcummings@gmial.com couldn't be delivered due to:
Recipient server unavailable or busy.

Further information

Connection refused (Connection refused)

If you sent this message to multiple addresses, you'll receive a notification like this for every one that didn't arrive.



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Sherry Standerfer

From: postmaster@statefarm.com
To: eric.rice.x14p@statefarm.com
Sent: Sunday, February 7, 2021 5:25 PM
Subject: Undeliverable: [EXTERNAL] St v. Cummings & Rice/20-0585-DIS

Delivery has failed to these recipients or groups:

eric.rice.x14p@statefarm.com (eric.rice.x14p@statefarm.com)

The email address you entered couldn't be found. Please check the recipient's email address and try to resend the message. If the problem continues, please contact your email admin.

Diagnostic information for administrators:

Generating server: WPSFD3QL.OPR.STATEFARM.ORG

eric.rice.x14p@statefarm.com

Remote Server returned '550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient not found by SMTP address lookup'

Original message headers:

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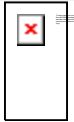
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23:23:21 +0000
From: Sherry Standerfer <Sherry.Standerfer@oid.ok.gov>
To: "masonlcummings@gmial.com" <masonlcummings@gmial.com>,
"mason.cummings@allstate.com" <mason.cummings@allstate.com>,
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CC: Kayla Rochelle <Kayla.Rochelle@oid.ok.gov>, Rick Wagnon
<Rick.Wagnon@oid.ok.gov>, Jon Huntington <Jon.Huntington@oid.ok.gov>,
Courtney Khodabakhsh <Courtney.Khodabakhsh@oid.ok.gov>
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X-Mimecast-Originator: oid.ok.gov
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X-TM-AS-ERS: 63.128.21.103-127.5.21.1
X-SFExternal: TRUE
X-SFDMARC: SFDMARCP04
X-TM-AS-Product-Ver: IMSS-9.1.0.1347-8.6.0.1013-25960.003
X-TM-AS-Result: No--31.719-5.0-31-10

X-imss-scan-details: No--31.719-5.0-31-10;No--31.719-5.0-31-10
X-TM-AS-User-Approved-Sender: No
X-TM-AS-Result-Xfilter: Match text exemption rules:No;Match text exemption
rules:No;Match text exemption rules:No
X-TMASE-Version: IMSS-9.1.0.1347-8.6.1013-25960.003
X-TMASE-Result: 10--31.719300-10.000000
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1IV0=
X-TMASE-SNAP-Result: 1.821001.0001-0-1-12:0,22:0,33:0,34:0-0
Return-Path: sherry.standerfer@oid.ok.gov

Sherry Standerfer

From: Domain postMaster address <postmaster@omes.ok.gov>
Sent: Sunday, February 7, 2021 6:26 PM
To: Sherry Standerfer
Subject: Your message hasn't been delivered yet



Your message hasn't been delivered yet

The message you sent to masonlcummings@gmail.com hasn't been delivered yet due to:
Recipient server unavailable or busy.

We'll let you know if we can't deliver it successfully.

Further Information

Connection refused (Connection refused)



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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
 Postage \$
 Total Postage and Fees \$

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 City, State, Zip+4®

SMS/20-0585-DIS (KMR)/Cond Ord.

PS Form 3800, April 2015 PSN

Mason Cummings
 676 Mokapu Road
 Kailua, HI 96734

Postmark Here
 FEB 1 2021

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PS Form 3800, April 2015 PSN

Eric Rice
 1002 SW 89th Street, Apt 724
 OKC, OK 73139-9434

Postmark Here
 FEB 1 2021

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. Article Addressed to:

Mason Cummings
 676 Mokapu Road
 Kailua, HI 96734
 SMS/20-0585-DIS (KMR)/Cond Ord.

9590 9402 6215 0265 2896 08
 Article Number (Transfer from service label)

7020 2450 0000 1482 7639

PS Form 3811, July 2020 PSN 7530-02-000-9053

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. Article Addressed to:

Eric Rice
 1002 SW 89th Street, Apt 724
 OKC, OK 73139-9434
 SMS/20-0585-DIS (KMR)/Cond Ord.

9590 9402 6215 0265 2896 15
 Article Number (Transfer from service label)

7020 2450 0000 1482 7646

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
☒ Agent
☐ Addressee

B. Received by (Printed Name)
 C. Date of Delivery

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

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
☒ Agent
☐ Addressee

B. Received by (Printed Name)
 C. Date of Delivery

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

3. Service Type
☐ Priority Mail Express®
☐ Registered Mail™
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

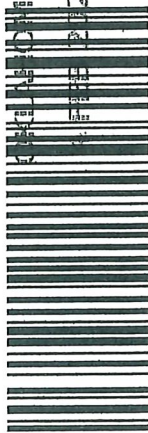


OKLAHOMA
INSURANCE
DEPARTMENT

Legal Division

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

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OKLAHOMA CITY OK 73105

02/04/2021 02:04 PM 6 L

REPOST

02/04/2021

FIRST-CLASS MAIL

US POSTAGE \$007.65⁰



ZIP 73105
041M11455007

7020 2450 0000 1482 7622

7020 2450 0000 1482 7622

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- | | |
|--|----|
| ☐ Return Receipt (hardcopy) | \$ |
| ☐ Return Receipt (electronic) | \$ |
| ☐ Certified Mail Restricted Delivery | \$ |
| ☐ Adult Signature Required | \$ |
| ☐ Adult Signature Restricted Delivery | \$ |

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box

City, State, ZIP+4®

PS Form 3800, April 2015 PSN

Mason Cummings
13327 N. Triple XXX Rd.
Luther, OK 73054-9201
SMS/20-0585-DIS (KMR)/Cond Ord.



Mason Cummings
13327 N. Triple XXX Rd.
Luther, OK 73054-9201

NIXIE

731 DE 1700 0002/07/21

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

IA

EC: 7310518181600 3057-09807-04-38

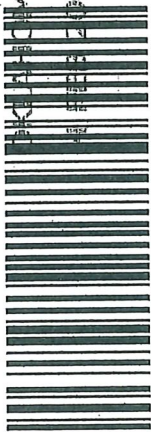
73105>1816



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OKLAHOMA CITY OK 73105

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☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

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Mason Cummings
2750 S. Post Rd
Midwest City, OK 73130-7518
SMS/20-0585-DIS (KMR)/Cond Ord.

PS Form 3800, April 2015 PSN

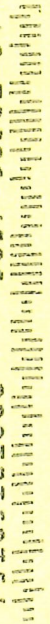


Mason Cummings
2750 S. Post Rd
Midwest City, OK 73130-7518

NIXIE 731 FE 1700 0002/10/21

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

EC: 73105181600 *3057-06561-04-39



7020 2450 0000 1482 7515



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DEPARTMENT**

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Oklahoma City, OK 73105

RETURN
SERVICE
REQUESTED

RECEIVED
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FEB 12 2021

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neopost[®]
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AUTO
US POSTAGE **\$000.42**



ZIP 73111
0411 12204360



Mason Cummings
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Luther, OK 73054-9201

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT

FEB 12 2021

MAILROOM

20-6585-D15

NIXIE 731 FE 1270 0002/11/21

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

SC: 73105151600 *0557-04697-11-17

UTF
APR45N43 7300521816