MSURANCE COMMISSIONER

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLI MULREADY, Insurance Commissione))	,	NEK
Pet	itioner,	,)		
v.) Case No. 21-0410-DIS		
)		
BRADY NGUYEN,				
a resident producer,)		
)		
Res	pondent.)		

FINAL ADMINISTRATIVE ORDER

This matter is a disciplinary proceeding under the Oklahoma Producer Licensing Act. 36 O.S. §§ 1435.1 et seq. On February 15, 2022, a show cause hearing was held at the Oklahoma Insurance Department ("OID") on OID's Notice of Hearing and Order to Show Cause ("Notice"), filed January 18, 2022. The hearing was held at the offices of OID before Independent Hearing Examiner John Miller. Present at the hearing were Antuanya "Bo" DeBose, Assistant General Counsel for OID and Rick Koch for OID's Anti-Fraud Division. Respondent Brady Nguyen ("Respondent") appeared pro se.

Witnesses were sworn and testified, exhibits were admitted and argument of the parties heard.

FINDINGS OF FACT

- 1. That 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, John Miller, who shall sit as a quasi-judicial officer pursuant to 36 O.S. § 319.

- 3. Respondent holds resident producer license number 193546 and is licensed by the State of Oklahoma. Respondent's address of record is 7633 East 63rd Place, Suite 300, Tulsa, Oklahoma 74133.
- 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 *Notice* by certified mail return receipt requested and by electronic mail on January 18, 2022 to Respondent. The *Notice* 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.
 - 7. The following exhibits were introduced and admitted:
 - a) **Petitioner's Exhibit A:** Claim filed by Brady Nguyen with State Farm
 - b) Petitioner's Exhibit B: Denial of Brady Nguyen's Progressive Claim
 - c) Petitioner's Exhibit C: Brady Nguyen's Progressive Auto policy August 3, 2020
 - d) Petitioner's Exhibit D: Brady Nguyen's Policy Change Confirmation
 - e) <u>Petitioner's Exhibit E:</u> Brady Nguyen's Progressive Auto policy November 13, 2020
 - f) Petitioner's Exhibit F: OID Conditional Administrative Order and Notice of Right to be Heard 17-0128-DIS
 - 8. The following witnesses were sworn and testified under oath:

- a) Rick Koch, OID Anti-Fraud Investigator
- b) Brady Nguyen, Respondent
- 9. The Anti-Fraud Unit of OID received a referral from Progressive Group of Insurance Companies (Progressive) alleging Respondent filed a false claim on his personal auto policy. Investigator Rick Koch ("Investigator Koch") was assigned to the case on behalf of the OID and opened an investigation. (See Testimony of Rick Koch).
- 10. Progressive assigned SIU Investigator Jerin Lyon ("Investigator Lyon") to investigate this matter. Investigator Koch interviewed Investigator Lyon. (See <u>Testimony of Rick Koch</u>).
 - 11. Progressive's investigation revealed the following:
 - a) Respondent filed a claim of loss on November 12, 2020 with State Farm Insurance Company ("State Farm"), stating he and a State Farm policyholder were backing out of a parking space and hit each other. State Farm was notified of the loss by their insured on the same day and denied the claim. (See Testimony of Rick Koch and Petitioner's Exhibit A).
 - b) At the time of the collision on November 12, 2020 ("The Collision"), Respondent only had liability coverage with Progressive. (See <u>Testimony of Rick Koch</u> and <u>Petitioner's Exhibit C</u>).
 - c) On November 12, 2020, after The Collision, Respondent added collision, comprehensive, rental reimbursement and roadside assistance coverage to his Progressive auto policy. (See Testimony of Rick Koch, Petitioner's Exhibit D and Petitioner's Exhibit E).

- d) On November 13, 2020, Respondent filed another claim of loss, this time under his own policy with Progressive, listing the same location as The Collision, but stated the claim was the result of a hit and run. (See Testimony of Rick Koch).
- e) After its investigation, Progressive determined Respondent filed the claim with a false date of loss and added coverage to his policy in an attempt to have coverage provide for an ineligible loss. Progressive denied Respondent's claim and referred the case to OID. (See Testimony of Rick Koch and Petitioner's Exhibit B).
- 12. Investigator Koch interviewed Respondent. During the interview, Respondent admitted to adding collision coverage to his policy after The Collision on November 12, 2020. Respondent admitted to Investigator Koch that the claim he filed with Progressive looks suspicious and expressed regret in filing it. (See Testimony of Rick Koch).
- 13. Respondent has prior administrative disciplinary actions with OID, including 17-0128-DIS. (See <u>Testimony of Rick Koch</u> and <u>Petitioner's Exhibit F</u>).

CONCLUSIONS OF LAW

- 14. That OID has jurisdiction over this matter and Respondent pursuant to 36 O.S. § 1435.1 et seq.
- 15. That Respondent is licensed by the OID as a resident producer pursuant to 36 O.S. § 1435.1 et seq.
- 16. That Respondent was provided adequate notice and a hearing pertaining to the Notice of Hearing and Order to Show Cause filed on January 18, 2022, in accordance with the Oklahoma Insurance Code and the Oklahoma Administrative Procedures Act.
- 17. 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)(8), using fraudulent and dishonest practices, and demonstrating untrustworthiness by filing a claim with Progressive listing a false date of loss. Specifically, Respondent filed a claim listing November 13, 2020 as the date of loss, when in fact the loss occurred on November 12, 2020 in an attempt to have coverage provided for an ineligible loss.
- 18. 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. In addition to or in lieu of any applicable denial, probation, censure, suspension or revocation of a license, a person may, after opportunity for hearing, also be subject to a civil fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each occurrence. Said penalty may be enforced in the same manner in which civil judgments may be enforced.

ORDER

IT IS THEREFORE ORDERED that Respondent Brady Nguyen's resident insurance producer license number 193546 is hereby REVOKED. Respondent is also FINED in the amount of One Thousand Dollars (\$1,000.00) and ordered to pay the costs of the proceeding in the amount of One Hundred Thirty-Nine Dollars (\$139.00). 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 16th day of February, 2022.



JOHN MILLER

INDEPENDENT HEARING EXAMINER OKLAHOMA INSURANCE DEPARTMENT

CERTIFICATE OF MAILING

Brady Nguyen 7633 East 63rd Place, Suite 300 Tulsa, Oklahoma 74133-1202

CERTIFIED MAIL NO: 9214 8902 0982 7500 0442 86

Brady Nguyen 7122 East 82nd Place Tulsa, Oklahoma 74133-4161

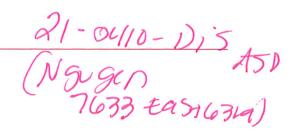
CERTIFIED MAIL NO: 9214 8902 0982 7500 0442 93

and that a copy was delivered to:

Licensing Division and Anti-Fraud Division

Antuanya "Bo" DeBose





Date Produced: 02/28/2022

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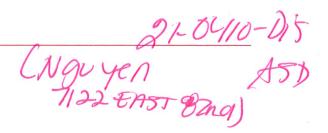
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Customer Reference Number:

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