

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

OCT 04 2019

INSURANCE COMMISSIONER
OKLAHOMA

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

Petitioner,)

v.)

Case No. 19-0504-DEN

ALVINA TAPIA GUINN, an applicant for a)
resident insurance producer license,)

Respondent.)

FINAL ADMINISTRATIVE ORDER

That on October 1, 2019, a show cause hearing was held at the Oklahoma Insurance Department (“OID”) on OID’s *Notice of Hearing and Order to Show Cause*, filed August 9, 2019. On August 28, 2019, an *Order* was entered continuing the matter for hearing to October 1, 2019 at 10:00 a.m. The hearing was held at the offices of OID before Independent Hearing Examiner Charles Alden, III. Present at the hearing were Teresa L. Green, Assistant General Counsel for OID, and Courtney Khodabakhsh for 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. That OID has jurisdiction over the subject matter of this action pursuant to 36 O.S. §§ 101-7301.

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. On or about June 12, 2019, Respondent applied for a resident insurance producer license in Oklahoma. (Testimony of Courtney Khodabakhsh and Exhibit 1).

4. On the Oklahoma application form, question 1B asks the following: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?" Respondent answered "Yes" to this question on the application. (Testimony of Courtney Khodabakhsh and Exhibit 1).

5. On or about June 18, 2019, Respondent submitted to the Oklahoma Insurance Department a written statement explaining her answer to question 1B. Respondent stated "I was arrested and questioned about a sales of narcotics sold to an undercover agent....I was 19 years old...I served 5.75 years in prison....No parole when released. I've managed to complete 6 years of college, counseling and become a more responsible adult....since the 27 years have passed I've not been arrested and have even stayed clear from any major traffic violations." (Testimony of Courtney Khodabakhsh and Exhibit 2).

6. Respondent was sentenced to five and a quarter (5.25) years on or about April 30, 1993, in Case No. 5612 in the Superior Court of the State of Arizona in Graham County for the offense of transportation of a narcotic drug for sale, a Class 2 felony, nondangerous and nonrepetitive offense. (Testimony of Courtney Khodabakhsh and Exhibit 2).

7. OID found no other criminal convictions during its investigation. (Testimony of Courtney Khodabakhsh).

8. On or about July 1, 2019, OID denied Respondent's application, pursuant to 36 O.S. § 1435.13(A)(6) for having been convicted of a felony. (Testimony of Courtney Khodabakhsh and Exhibit 3).

CONCLUSIONS OF LAW

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

10. That Respondent was duly and properly served with certified mail signed August 30, 2019. (Exhibit 4).

11. That prior to application for nonresident producer license, Respondent was convicted in the Superior Court of Arizona of a Class 2 felony, transporting narcotics for sell in violation of law of the State of Arizona.

12. That pursuant to *36 O.S. § 1435.13(A)(6)* and despite the age of the felony conviction, conviction of a felony is disqualifying and the action of the Insurance Commissioner in denying the application was proper.


13. Based upon the above provided findings of fact, there is clear and convincing evidence to find that Respondent violated *36 O.S. § 1435.13(A)(6)* by being convicted of a felony when Respondent was convicted in the State of Arizona of transportation of a narcotic drug for sale, a Class 2 felony.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that it has been established by clear and convincing evidence that Respondent Alvina Tapia Guinn violated *36 O.S. §§ 1435.13(A)(6)* and, as a result, her resident producer license is hereby **DENIED**.

Done this 3 day of October, 2019.




CHARLES ALDEN, III
INDEPENDENT HEARING EXAMINER
OKLAHOMA INSURANCE DEPARTMENT