

JUN 11 2010

Case No. 10-0010-DIS

1. Kim Holland is the Insurance Commissioner of the State of Oklahoma and is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq.
2. Respondent Gabriel Ramey is a resident Oklahoma producer holding license 40017231. His address of record with the Oklahoma Insurance Department is 201 S. Broadway, Tecumseh, Oklahoma 74873.
3. The Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew a license issued pursuant to the Producer Licensing

Act and/or may levy a civil penalty of \$100.00 to \$1,000.00 for each violation of the Producer Licensing Act. 36 O.S. § 1435.13(A).

4. If the Insurance Commissioner finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to the effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. 75 O.S. §§ 314(C)(2), 314.1, OAC 365:1-7-9(a).

FINDINGS OF FACT

1. On December 30, 2009, the Oklahoma Insurance Department (the "Department") was notified by Phyllis A. Miller, Home Office Counsel with Safeco Insurance Company ("Safeco") that Safeco terminated the appointment of Gabriel Ramey ("Ramey") for cause due to Ramey's failure to forward his insurance customer's premium payments to Safeco.

2. The Department requested documentation from Safeco verifying that Ramey failed to forward his customer's premium payments to Safeco. Phyllis A. Miller responded on February 16, 2010, providing commission statements for Ramey's agency for the period from August 2008 through October 2009 which reflected a fifteen month negative balance. Phyllis Miller also stated that Safeco had numerous communications with Ramey regarding the balances owed and repeatedly reminded him of his contractual obligation to promptly forward premium payments.

3. On February 23, 2010, the Department received an investigation report from Peggy Kingman ("Kingman"), Special Investigations Unit of Liberty Mutual Insurance ("Liberty Mutual") regarding Ramey. Kingman investigated Ramey after Safeco, a Liberty Mutual Company, received a complaint from Ramey's customer Jimmy Jones.

Jones complained that he paid his premium payments in cash to Ramey and that Ramey failed to apply the premiums to the policy resulting in cancellation of the policy.

4. Kingman's report also contained documents confirming Safeco's prior reporting of Ramey collecting \$5,142.34 in premium payments and failing to forward the premiums to Safeco after Safeco had made numerous attempts to collect the premiums from Ramey.

5. On March 11, 2010, the Department's Anti-Fraud Division received a complaint from Linda K. Verges with First United Bank in Oklahoma City. Verges reported that Ramey forged an endorsement of "GR" on a check made payable to Farmers Mutual Fire Insurance Company and deposited it in his business banking account #2682982 at First United Bank.

6. The check was issued in the amount of \$655.00 on December 2, 2009 through First American Title & Trust Company for insurance on a house that was sold through First American Title & Trust Company. The check was intended for another producer who was a one-time business associate of Ramey.

7. First United Bank withdrew the \$655.00 from Ramey's bank account on March 4, 2010. The account had a negative balance at that time and after withdrawal of the \$655.00, Ramey's bank account balance was negative -\$1,538.96. First United closed Ramey's bank account and never heard from him.

8. Investigation by the Department revealed that Ramey was licensed as an insurance producer on January 11, 2008, that his license was terminated on January 31, 2010 for failure to complete his continuing education, and that all of his appointments with insurers were terminated. Further investigation revealed that Ramey's customers,

Wesley and Shelly Smith complained to the Department's Consumer Assistance Division regarding Ramey on September 17, 2009.

9. The Smith's complained that their Safeco auto policy issued through Ramey on October 28, 2008 had been cancelled for non-payment of premium on February 15, 2009 despite cash premium payments to Ramey. Furthermore, the Smith's auto premium with another company greatly increased due to the cancellation.

10. Investigator Dana Miller asked Ramey to meet with her and investigator Leslie Landwert on March 22, 2010 at the Department. Ramey met with the investigators and reported that his agency temporarily moved to 663 Kickapoo in Shawnee, Oklahoma because the Tecumseh building's roof fell in. Ramey stated that he owned the building in Tecumseh but had no insurance to cover his loss.

11. Ramey further reported that most of his customer files were still located at the Tecumseh location. Ramey had no explanation as to why he endorsed the Farmers Mutual Fire check and deposited it in his bank account. Ramey acknowledged that he owed Safeco money. Ramey acknowledged that cash premium payments from customers sometimes didn't get deposited in his bank account.

12. Thereafter on the same date, Miller and Landwert met Ramey at his agency in Tecumseh. The entire office walls and floor were wet due to a huge hole in the building roof. Ramey's customer files, including customer personal information, were stacked in the office, along with piles of unopened mail and other piles of paperwork. Ramey had no explanation why his customer files were unprotected at the Tecumseh location.

13. Miller, Landwert and Ramey then went to the Shawnee location of his agency. Ramey gave the investigators his January 2010 and March 2010 bank statements from

First United Bank. Neither statement had been opened. The March statement was then opened showing a negative balance of -\$1538.96 and the bank's withdrawal of \$655.00. The First United Bank statement clearly marked the \$655.00 check as a forgery.

CONCLUSIONS OF LAW

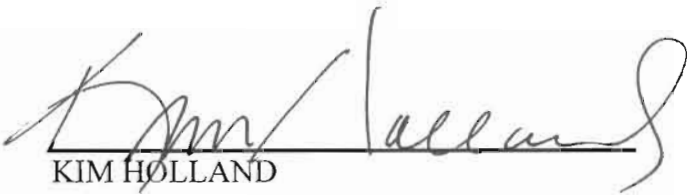
Such conduct by Ramey as alleged above is in violation of 36 O.S. § 1435.13(A)(4); improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business, and 1435.13(A)(8); using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that the **Administrative Order of Suspension Instante**r entered in this matter on May 4, 2010 is a **FINAL ADMINISTRATIVE ORDER**, that no hearing was requested and Respondent's license is hereby **REVOKED**.

WITNESS My Hand and Official Seal this 11th day of May, 2010.




KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

CERTIFICATE OF MAILING

I, Julie Delluomo, hereby certify that a true and correct copy of the above and foregoing Final Administrative Order was mailed by certified mail, postage prepaid with return receipt requested, on this 11th day of June 2010, to:

Gabriel Ramey
201 S. Broadway
Tecumseh, Oklahoma 74873.

CERTIFIED MAIL NUMBER: 7006 0810 0002 6164 0566

Gabriel Ramey
663 N. Kickapoo
Shawnee, Oklahoma 74801

CERTIFIED MAIL NUMBER: 7001 0320 0004 0178 6434

Notification was sent to:

NAIC/RIRS

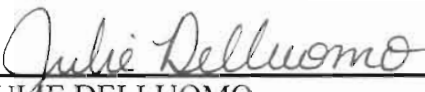
A copy was mailed to:

All appointing insurers

A copy was delivered to:

Leah Scoles/Sandra Simms
Producer Licensing Division

Rick Wagnon/Dana Miller
Investigations/Anti-Fraud Division



JULIE DELLUOMO
ASSISTANT GENERAL COUNSEL