

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
FEB 18 2014
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D.
DOAK, Insurance Commissioner,

Petitioner,

v.

GUSTAVO SEGURA, a licensed
insurance producer,

Respondent.

Case No. 13-1308-DIS

ADMINISTRATIVE ORDER OF SUSPENSION INSTANTER

COMES NOW the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner, by and through his attorney, Barron B. Brown, and alleges and states as follows:

JURISDICTION

1. John D. Doak 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 is licensed by the State of Oklahoma as a resident insurance producer holding license number 117944. His address of record with the Oklahoma Insurance Department ("OID") is 1721 E. 60th Place, Tulsa, Oklahoma 74105.

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 and/or may levy a fine up to \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code, 36 O.S. § 1435.13(A) and (D).

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).

ALLEGATIONS OF FACT

1. On or about October 1, 2013, Respondent was formally charged with a criminal felony for rape by instrumentation in the State of Oklahoma (Tulsa County; Case No. CF-2013-4811).

2. 36 O.S. § 1435.18(B) provides the following: “[within] thirty (30) days of the initial pretrial hearing date, a [insurance] producer shall report to the Insurance Commissioner any criminal prosecution of the producer taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing any other relevant legal documents.” Respondent never reported the criminal felony charge for rape by instrumentation to the OID as required by § 1435.18(B). Within that, Respondent never submitted any of the required court documentation surrounding the criminal felony charge against him.

3. On or about January 23, 2014, Respondent plead guilty to, and was convicted of, the criminal felony charge for rape by instrumentation in Tulsa County, Oklahoma. Respondent was sentenced to seven (7) years imprisonment in the Oklahoma Department of Corrections.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 1435.13(A)(6); having been convicted of a felony.
2. Respondent violated 36 O.S. § 1435.18(B); by failing to report to the Insurance Commissioner any criminal prosecution of the producer taken in any jurisdiction within thirty (30) days of the initial pretrial hearing date.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner, subject to the following paragraph, that Respondent violated 36 O.S. § 1435.13(A)(6) and has thereby placed the welfare of the public at risk. In accordance with 75 O.S. § 314(C)(2) and OAC § 365:1-7-9, Respondent's license is **SUSPENDED EFFECTIVE IMMEDIATELY**.

Respondent may request a hearing be held regarding this emergency action. OAC 365:1-7-9(a). Such request for hearing shall be received within thirty (30) days from the date of receipt of this order. A request for hearing shall be made in writing addressed to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, 3625 NW 56th Street, Suite 100, Oklahoma City, OK 73112. An independent hearing examiner shall conduct the hearing. Respondent may have a court reporter transcribe the proceedings and Respondent shall be responsible for the costs. If Respondent fails to request a hearing within the required period of time, Respondent's producer license shall be revoked thirty days (30) days from the date of receipt of this order.

WITNESS My Hand and Official Seal this 17th day of February, 2014





PAUL WILKENING
FIRST DEPUTY COMMISSIONER
STATE OF OKLAHOMA

CERTIFICATE OF MAILING

I, Barron B. Brown, hereby certify that a true and correct copy of the above and foregoing Administrative Order of Suspension Instantly was mailed via certified mail with postage prepaid and return receipt requested on this 18th day of February, 2014, to:

Gustavo Segura
1721 E. 60th Place,
Tulsa, Oklahoma 74105

7001 0320 0004 4248 6492


CERTIFIED MAIL NO:

and that notification was sent to:

NAIC/RIRS
and to all appointing insurers

and that a copy was delivered to:

Licensing Division
Anti-Fraud Unit/Investigations Division


Barron B. Brown