

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA, ex rel. JOHN D.)
DOAK, Insurance Commissioner,)
Petitioner,)
v.)
BRADY NGUYEN,)
a licensed insurance producer in the State of)
Oklahoma,)
Respondent.)

MAR 20 2017
INSURANCE COMMISSIONER
OKLAHOMA

Case No. 17-0128-DIS

CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD

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., including the Oklahoma Producer Licensing Act (the “Act”), 36 O.S. §§ 1435.1 through 1435.41.

2. Brady Nguyen (“Respondent”) is a licensed insurance producer in the State of Oklahoma holding license number 0000193546. Respondent’s business address of record is 320 S. Boston Ave., Suite 1026, Tulsa, Oklahoma 74103-3703.

3. The Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew a license issued pursuant to the 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).

ALLEGATIONS OF FACT

1. On or about January 25, 2017, the Oklahoma Insurance Department’s (“OID”) Anti-Fraud Unit received a complaint from Libby Hardy (“Hardy”), property manager for Windsock Limited Partnership (“Windsock”). In her complaint, Hardy alleged that Respondent had submitted a fraudulent certificate of insurance coverage to Windsock on behalf of JT Nails, a tenant of Windsock and client of Respondent.

2. More specifically, Hardy stated that, on or about January 20, 2017, Respondent had e-mailed her a certificate of liability insurance coverage (“the certificate”) for JT Nails showing Massachusetts Bay (“MB”) as the insurance carrier with a policy number of ODDA092834. Upon receipt of the certificate, Hardy attempted to verify coverage with the insurer. Hanover Insurance Company, the parent company of MB, informed Hardy that JT Nails had no insurance coverage through MB and that the listed policy number provided by Respondent belonged to an entirely different business entity.

3. On or about February 15, 2017, OID Anti-Fraud Unit Investigator Richard J. Koch (“Koch”) interviewed Respondent concerning Hardy’s complaint at the OID’s Tulsa office. In the interview, Respondent admitted to Koch that the certificate for JT Nails at issue was, in fact, fraudulent. Within that, Respondent stated that he had provided false information to complete the certificate and had signed off on the certificate.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 1435.13(A)(2); by violating any insurance laws, or violating any regulation, subpoena or order of the Insurance Commissioner or of another state's Insurance Commissioner.
2. Respondent 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 or elsewhere.
3. Respondent violated 36 O.S. § 3640(G); by knowingly preparing or issuing a certificate of insurance that contains any false or misleading information or that purports to affirmatively or negatively alter, amend, or extend coverage provided by the policy of insurance to which the certificate makes reference.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Respondent is **CENSURED** and **FINED ONE THOUSAND DOLLARS (\$1,000.00)** for a violation of 36 O.S. §§ 1435.13(A)(2), (8) and 3640(G). **The \$1,000.00 fine is to be paid within thirty (30) days** made payable to the Oklahoma Insurance Department. The \$1,000.00 civil fine shall be paid by money order or cashier's check. Failure to pay the civil fine or request a hearing within thirty (30) days may result in further administrative action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above

shall become a Final Order on the thirty-first day following the date of mailing this Order. A request for hearing should be in writing addressed to Barron B. Brown, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under the Oklahoma Insurance Code (36 O.S. §§ 101 et seq.) and the Oklahoma Administrative Procedures Act (75 O.S. §§ 308a et seq.). If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as 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 at the hearing.

WITNESS My Hand and Official Seal this 20th day of March, 2017.



JOHN D. DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Barron B. Brown

Barron B. Brown
Assistant General Counsel
Oklahoma Insurance Department
3625 NW 56th St., Suite 100
Oklahoma City, OK 73112
(405) 521-2746

CERTIFICATE OF MAILING

I, Barron B. Brown, 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 certified mail, with postage prepaid and return receipt requested, on this 20th day of March, 2017, to:

Brady Nguyen
320 S. Boston Ave., Suite 1026
Tulsa, OK 74103-3703

CERTIFIED MAIL NO. 7016 0910 0000 8401 6568

and a copy was delivered to:

Licensing Division
Anti-Fraud Division

Barron B. Brown

Barron B. Brown
Assistant General Counsel