

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED
SEP 01 2020
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
JIMMY TYLER ESPINOSA,)
a resident producer,)
)
Respondent.)

Case No. 20-0123-DIS

AGREED ORDER

COMES NOW the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, by and through counsel, Antuanya "Bo" DeBose, and Respondent Jimmy Tyler Espinosa and agree to entry of this Order.

JURISDICTION

The parties stipulate to the following:

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and, as such, is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101-7401, including the Oklahoma Producer Licensing Act, 36 O.S. § 1435.1 et seq..
2. Respondent Jimmy Tyler Espinosa ("Respondent") holding license number 3000360190, is licensed by the State of Oklahoma as a resident insurance producer as defined and required by 36 O.S. § 1435.2(7). His address of record is [REDACTED]
[REDACTED]
3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 36 O.S. § 1435.13(A) and (D).

4. Informal disposition of this matter may be made by agreed settlement pursuant to 75 O.S. §309(E).

FINDINGS OF FACT

1. On or about January 23, 2020, the Oklahoma Insurance Department received a complaint alleging that Respondent allowed and instructed an unlicensed employee to engage in the business of insurance. The Oklahoma Insurance Department assigned the case to Investigator Rick Koch of the OID Anti-Fraud Unit for investigation ("Investigation").

2. The investigation revealed that Respondent instructed and allowed his employee, Roger Kyle Young ("Young"), to quote insurance premiums, as well as solicit and negotiate insurance without being licensed. Respondent would then have a licensed producer working in his office review the information gathered by Young, then bind the coverage.

3. The complainant provided photos and screen shots of "Team Meeting" documents from Respondent's agency reflecting sales numbers for each of Respondent's staff. (See Attached, Exhibit "A"). The documents show that Young wrote \$6,278.00 in business as of December 30, 2019 while unlicensed. Additionally, the documents show Young made \$3,635.21 in 'month to date' insurance quotes as of January 6th, 2019 and sold two (2) policies.

4. During an interview on February 11, 2020 conducted by Investigator Koch, Respondent admitted he allowed Young to initiate contact with clients and quote premium amounts.

5. Pursuant to the provisions of 36 O.S. §1435.13:

- a. 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 or may levy a civil penalty in accordance with subsection D of this section or any combination of actions, for any one or more of the following causes:
 - a. Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;
 - b. Knowingly accepting insurance business from an individual who is not licensed;
- b. 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, 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.

CONCLUSIONS OF LAW

1. Respondent violated 36 O.S. §1435.13(A)(8) by allowing Roger Kyle Young, an unlicensed employee of Respondent's agency, to solicit clients and offer premium quotes.
2. Respondent violated 36 O.S. §1435.13(A)(12) by accepting insurance business from Roger Kyle Young, an individual Respondent knew to be unlicensed, and allowing Roger Kyle Young to make sales solicitations to clients and offer premium quotes.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner and **AGREED** by the Respondent that Respondent is hereby **CENSURED** and **FINED** in the amount of

FIVE HUNDRED DOLLARS (\$500.00). The fine shall be paid within thirty (30) days from the date of this Agreed Order and made payable to the Oklahoma Insurance Department, located at 400 NE 50th Street, Oklahoma City, Oklahoma 73112. Failure to comply with a proper order of the Commissioner will result in further administrative action.

WITNESS My Hand and Official Seal this 28th day of August 2020.



GLEN MULREADY
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

JUDGE STEPHAN MATHIS

AGREED TO:

Antuanya 'Bo' DeBose
ASSITANT GENERAL COUNSEL

Jimmy Tyler Espinosa
RESPONDENT

CERTIFICATE OF MAILING

I, Antuanya "Bo" DeBose, hereby certify that a true and correct copy of the above and foregoing Agreed Order was mailed by first class U.S. Mail and by certified mail with postage prepaid and return receipt requested on this 1st day of September 2020 to:

Jimmy Tyler Espinosa



CERTIFIED MAIL NO:
9214 8902 0982 7500 0310 57

and that a copy was delivered to: Licensing Division

Antuanya "Bo" DeBose

TEAM MEETING - DECEMBER 2019

- Lunch/Breakfast 21st \$45.50 - Half Day
- Wednesday January 22 - Day Off

• MTD Quoted: \$127,391.25

- Alberto
- Bryanna
- Kyle
- Terri

• Winter: \$21,317.75

- Alberto
- Bryanna
- Kyle
- Terri

• Trending: \$22,285

• December Goals

- Alberto
- Bryanna
- Kyle
- Terri

campaign, two tours outbound
SAY

TEAM MEETING – JANUARY 6TH, 2019

- Monday January 6th – Tyler Meeting @ 5PM
- Thursday January 9th – Tyler Meeting @ 3PM
- Thursday January 23rd – Tyler Meeting @ 3PM

MTD

- o MTD Quoted: \$3,635.21
 - Alberto –
 - Bryanna –
 - Kyle – \$3,635.21
 - Terri –
- o Written: \$0
- o Alberto – \$0
- o Bryanna – \$0
- o Kyle – \$0
- o Terri – \$0
- o MTD Total: \$0
- o MTD Total: \$3,635.21

o MTD Total: \$3,635.21

o MTD Total: \$3,635.21

o MTD Total: \$3,635.21

EXHIBIT

A-2



