

**BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
 Petitioner,)
v.)
)
WILL STEWARD,)
a resident producer,)
 Respondent.)

Case No. 22-0781-DIS

FILED
DEC 14 2023
INSURANCE COMMISSIONER
OKLAHOMA

FINAL ADMINISTRATIVE ORDER

This matter is a proceeding under the Oklahoma Insurance Code (“Code”), 36 O.S. §§ 101-7401, including the Oklahoma Producer Licensing Act, 36 O.S. §1435/1. et. seq., and is conducted pursuant the Oklahoma Administrative Procedures Act, 75 O.S. § 301, et. seq., whereby Respondent, Will Steward (“Respondent”) is a resident insurance producer holding Oklahoma resident producer license number 87145. The Oklahoma Department of Insurance (hereinafter OID) filed and issued on July 27, 2023, a Notice of Hearing and Order for show cause why the resident producer license of Will Steward should not be immediately cancelled, suspended or revoked and/or whether he should be fined based upon allegations set forth in the Notice of Hearing in which actions by the Respondent were asserted by OID to be violations of the Oklahoma Insurance Code. Proper notice was given to the Respondent of the hearing by certified mail and the Order setting a hearing date of August 29, 2023 was set. After receipt of the notice of hearing, the parties by and through Antuanya “Bo” DeBose, Assistant General Counsel for OID and Madison Botizan of Goolsby Proctor, counsel for the Respondent, agreed to continue the hearing on the issues related to this matter until October 12, 2023 and then agreed

again subsequently to continue the matter until November 9, 2023 at 9:30 a.m. at the offices of OID.

On November 9, 2023, the above captioned case came on for hearing at the office of the Oklahoma Department of Insurance, 400 NE 50th Street, Oklahoma City, Oklahoma 73105, and testimony and evidence was received at that time. Oklahoma Insurance Commissioner Glen Mulready had appointed the independent Hearing Examiner, John D. Miller, to preside at the hearing as a quasi-judicial officer pursuant 36 O.S. § 319. The hearing commenced and recorded electronically by employees of the Department. Petitioner was represented by Assistant General Counsel, Antuanya “Bo” DeBose. Respondent, Will Steward appeared in person and was represented by his attorney, Madison Botizan. Testimony and evidence were heard in regard to activity of Respondent as a resident producer. At the conclusion of the evidence, the undersigned Hearing Examiner took the matter under advisement so the evidence could be reviewed prior to a ruling being issued by the Hearing Examiner.

Therefore, after consideration of the testimony and evidence presented, this independent Hearing Examiner issues his findings of fact and conclusions of law based upon clear and convincing evidence.

FINDINGS OF FACT

1. OID has jurisdiction over the subject matter of this action pursuant to 36 O.S. §101, et seq., including the Oklahoma Producer Licensing Act, 36 O.S. §1435.1 et seq.
2. That the Insurance Commissioner has the authority to render an order concerning the above styled matter through the lawfully appointed Independent Hearing Examiner, John D. Miller, who sat as a quasi-judicial officer pursuant 36 O.S. §319.

3. Petitioner called Investigator Kevin Borgardus (“Borgardus”) from National Indemnity Company (“National”) to testify by teleconference and additionally Investigator Rich Kock of the OID was called to testify in person on behalf of the Petitioner. Respondent was the only witness to testify on his behalf.

4. It is found that Respondent made several attempts prior to June 6, 2022, to obtain insurance for his client, N & C Deliveries (“N&C”).

5. On or about June 6, 2022, National received an application for truck coverage for N&C submitted by Respondent. This application submitted by the Respondent to National was identified and admitted as OID Exhibit A. Item 30 under the heading, *Loss Experience* of the application asked, “Have you ever been declined, canceled or non-renewed for this kind of insurance? The No box was marked on that question. The application showed the Respondent had been the Witness to the signing of the application by Paul Nonan, Owner of N&C.

6. Accompanying the application was a loss history document asserting to be from Progressive Insurance marked and admitted OID Exhibit B which had checked “There have been no losses on the policy term(s)/date(s) listed” and which showed a Coverage Dates: 06/04/2019-04/11/2022. Witness Borgardus testified that Progressive confirmed to him that the document was altered and there was a loss history during that time frame listed and he obtained the original loss claim document from Progressive which was marked and admitted as OID Exhibit C. It showed that the line, “*There have been losses on the policy term(s)/date(s) listed*” was checked. This establishes how OID Exhibit B was altered.

7. Respondent denied knowledge of the alteration of OID Exhibit B in his interview with Investigator Borgardus and asserted it must have been a clerical error by Progressive at the time of his interview. However, during Respondent’s testimony before this Hearing Examiner, he

admitted knowingly altering the document marked as OID Exhibit B which he submitted to National.

CONCLUSIONS OF LAW

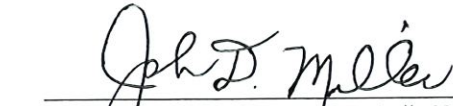
Based upon the testimony and evidence submitted, this Hearing Examiner concludes by clear and convincing evidence the following:

1. There was not sufficient evidence presented to establish by clear and convincing evidence that Respondent knew at the time of submittal of the application to National that N&C had been declined, canceled or non-renewed for the kind of insurance applied for. As a result, this Hearing Examiner finds no violation of 36 O.S. §1435.13 (A) (8).
2. Respondent violated 36 O.S. §1435.13 (A) (5) based upon the fact he knowingly and voluntarily submitted an altered document (OID Exhibit B) that he personally had altered and submitted with the application to National in an attempt to show his client in a more favorable light in order to obtain insurance for his client. He intentionally misrepresented the information submitted in the application for insurance with National which is a very serious violation.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this the Oklahoma resident producer license no. 87145 of Will Steward be SUSPENDED for a period of six (6) months commencing on January 1, 2024 for violation of 36 O.S. §1435.13 (A) (5). Additionally, Respondent will be assessed a fine of One Thousand Dollar (\$1,000.00) for the established violation of the Oklahoma Insurance Code. Additionally, Respondent is ordered to pay the costs of this action in the amount of \$742.50 within sixty (60) days of this Order.

WITNESS My Hand this 8th day of December, 2023.


JOHN D. MILLER, OBA # 6213
INDEPENDENT HEARING EXAMINER
OKLAHOMA INSURANCE DEPARTMENT

CERTIFICATE OF MAILING


I, Antuanya "Bo" DeBose hereby certify that a true and correct copy of this above and foregoing Administrative Order was mailed via certified mail with return receipt requested, regular mail and emailed, on the 14th day of December, 2023, to:

Madison Botizan
Goolsby Proctor
701 N. Broadway Avenue, Suite 400
Oklahoma City, OK 73106
mbotizan@gphglaw.com

CERTIFIED MAIL NO:
9214 8902 0982 7500 0588 87

And that a copy was delivered to:

OID Licensing and Anti-Fraud Division


Antuanya "Bo" DeBose
Asst. General Counsel, OID
400 NE 50th Street
Oklahoma City, OK 73105