

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

FILED
AUG 17 2023
INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
 Petitioner,)
v.)
)
TYLER GARRETT HUCKABEE, a)
resident producer,)
)
&)
)
MICHAEL CHRISTOPHER TATE,)
a resident producer,)
 Respondent(s))

Case No. 22-0312-DIS

FINAL ADMINISTRATIVE ORDER

This matter is a disciplinary proceeding under the Oklahoma Producer Licensing Act. 36 O.S. §§ 1435.1 et seq. On August 15, 2023, a show cause hearing was held at the Oklahoma Insurance Department ("OID") on OID's Notice of Hearing and Order to Show Cause ("Notice"), filed May 16, 2023. The hearing was held at the offices of OID before Independent Hearing Examiner Stephan Mathis. Present at the hearing were Antuanya "Bo" DeBose, Assistant General Counsel for OID. Respondent Tyler Garrett Huckabee ("Respondent Huckabee") appeared pro se. Respondent Michael Christopher Tate ("Respondent Tate") failed to appear.

Witnesses were sworn and testified, exhibits were admitted, and argument of the parties heard.

FINDINGS OF FACT

1. That OID has jurisdiction over the subject matter of this action pursuant to 36 O.S. §§ 101-7401, 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 and has lawfully appointed Independent Hearing Examiner, Stephan Mathis, who shall sit as a quasi-judicial officer pursuant to 36 O.S. § 319.

3. Respondent Huckabee is a resident producer licensed in the State of Oklahoma, holding license number 100252576. His address of record is [REDACTED]
[REDACTED]

4. Respondent Tate is a resident producer licensed in the State of Oklahoma, holding license number 100241000. His address of record is [REDACTED]
[REDACTED]

5. 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 36 O.S. § 1435.13(A) and (D).

6. Petitioner afforded Respondent(s) an opportunity for hearing by sending the *Notice* by certified mail return receipt requested and by electronic mail on May 16, 2023 to Respondent(s). A Continuance was also sent to the Respondent(s) by certified mail on June 8, 2023. The *Notice* stated the matters asserted, and stated the time, place and nature of the hearing, cited legal authority and jurisdiction, and referred to particular sections of the statutes involved.

7. The hearing was recorded electronically by an employee of the Oklahoma Insurance Department.

8. The following exhibits were introduced and admitted:

- a) Petitioner's Exhibit A: State Farm's List of IBHS discounts
- b) Petitioner's Exhibit B through B-7: Examples of fabricated IBHS certificates

- c) Petitioner's Exhibit C through C-8: Examples of fabricated IBHS certificates with April Moore notes
 - d) Petitioner's Exhibit D: State Farm's List of alarm certificates
 - e) Petitioner's Exhibit D-1 through D-10: Examples of fabricated alarm certificates with April Moore notes
 - f) Petitioner's Exhibit E: None
 - g) Petitioner's Exhibit F: Direct Message conversation between Respondent Tate and Respondent Huckabee
 - h) Petitioner's Exhibit G: State Farm's list of policies with year-built discrepancies
 - i) Petitioner's Exhibit H: State Farm Homeowners Application for Alan Vaez
 - j) Petitioner's Exhibit H-1: Oklahoma County Assessor's Information – Vaez
 - k) Petitioner's Exhibit H-2: State Farm Homeowners Application for Amber Kenworthy
 - l) Petitioner's Exhibit H-3: Grady County Assessor's Information for Kenworthy
 - m) Petitioner's Exhibit I: State Farm Termination Letter for Tyler Huckabee
 - n) Petitioner's Exhibit I-1: State Farm Termination Letter for Michael C. Tate
 - o) Petitioner's Exhibit J: Application for Tyler Huckabee
 - p) Petitioner's Exhibit J-1: Application for Michael Christopher Tate
 - q) Petitioner's Exhibit K: Letter of Explanation for Tyler Huckabee
 - r) Respondent's Exhibit 1: Email from Jan Plavchak for Tyler Huckabee
9. The following witnesses were sworn and testified under oath:
- a) April Moore, Investigator with OID
 - b) Tyler Garrett Huckabee, Respondent

10. The Oklahoma Insurance Department ("OID") received a referral from State Farm alleging Respondent Huckabee and Respondent Tate fabricated false certificates and manipulated data to lower customer premiums. OID assigned Investigator April Moore ("Investigator Moore") to investigate the matter. (See Testimony of April Moore).

11. Both Respondent Huckabee and Respondent Tate worked in agent Greg Ellis' office (the "Ellis Agency"). (See Testimony of April Moore).

12. State Farm offers a wind mitigation discount for homes built to comply with state specific building codes. This discount is available for buildings that receive the Insurance Institute for Business and Home Safety ("IBHS") High Wind and Hail certificate. State Farm confirmed policies submitted by Respondent Huckabee and Respondent Tate had false IBHS certificates. (See Petitioner's Exhibit A, Petitioner's Exhibit B through B-7, and Testimony of April Moore).

13. Investigator Moore contacted IBHS. Upon review, IBHS pointed out several inconsistencies with the certificates the Respondent(s) submitted to State Farm, proving they are false. (See Testimony of April Moore and Petitioner's Exhibit C through C-8).

14. State Farm also found Respondent Huckabee and Respondent Tate were submitting fabricated alarm certificates. State Farm requires documentation from the customer to support the home alarm discount. State Farm contacted ADT/Protection 1 who indicated that only seven (7) of the alarm certificates were valid and eight (8) were not valid. ADT/Protection 1 found eight (8) alarm certificates submitted by Respondent Huckabee and Respondent Tate were invalid. (See Petitioner's Exhibit D and Testimony of April Moore).

15. Investigator Moore also contacted ADT/Protection 1 regarding certificates submitted by the Respondents. No accounts were located for six (6) insureds. (See Petitioner's Exhibit D-1 through D-10 and Testimony of April Moore).

16. State Farm also found Respondent Huckabee and Respondent Tate had blank form/certificates to fill in to support the IBHS and alarm discount. The Respondent(s) would fill the forms out themselves and send them directly to State Farm's underwriting. (See Testimony of April Moore and Petitioner's Exhibit F).

17. State Farm also found Respondent Huckabee and Respondent Tate were inputting inaccurate "year built" on homeowner's applications. A check through public records found the homes were older than what the Respondent(s) reported to State Farm. (See Testimony of April Moore, Petitioner's Exhibit G, and Petitioner's Exhibit H through H-3).

18. State Farm reviewed a sample of fifteen (15) policies and the year built entered on their applications, compared to the year-built listed on county property records. Twelve (12) of fifteen (15) of the policies reviewed had discrepancies. (See Testimony of April Moore, Petitioner's Exhibit G, and Petitioner's Exhibit H through H-3).

19. Investigator Moore conducted a public records search for the year-built on the homes of four (4) insureds submitted by the Respondent(s). All four insureds had the incorrect year built listed on their policies. (See Testimony of April Moore).

20. Respondent Huckabee and Respondent Tate were interviewed by Investigator Moore and State Farm. During both interviews, Respondent Huckabee and Respondent Tate eventually admitted to 1) Applying alarm system and Fortified home discounts to multiple customers' policies while knowing the discount did not apply 2) Creating, altering, and submitting fabricated ADT-Protection 1 and IBHS certificates to State Farm in order to support inapplicable discounts 3) Entering inaccurate year-built dates for homes on fire applications for purposes of obtaining lower premium rates. (See Testimony of April Moore and Testimony of Tyler Huckabee).

21. Respondent Huckabee and Respondent Tate were terminated from State Farm for misconduct. (See Testimony of April Moore, Testimony of Tyler Huckabee and Petitioner's Exhibit I though I-1).

22. Respondent Huckabee submitted a renewal application to OID's Licensing Division. On page 4, question number six (6), Respondent Huckabee denied he was terminated from any insurance company for alleged misconduct. (See Testimony of April Moore, Testimony of Tyler Huckabee, Petitioner's Exhibit J and Petitioner's Exhibit K).

23. Respondent Tate submitted a renewal application to OID's Licensing Division. On page 4, question six (6), Respondent Tate denied he was terminated from any insurance company for alleged misconduct. (See Testimony of April Moore and Petitioner's Exhibit J-1).

CONCLUSIONS OF LAW

24. That OID has jurisdiction over this matter and Respondent pursuant to 36 O.S. § 1435.1 et seq.

25. That Respondent(s) are licensed by the OID as a resident producer pursuant to 36 O.S. § 1435.1 et seq.

26. That Respondent(s) were provided adequate notice and a hearing pertaining to the Notice of Hearing and Order to Show Cause filed on May 16, 2023 and the Continuance filed June 8, 2023 in accordance with the Oklahoma Insurance Code and the Oklahoma Administrative Procedures Act.

27. Based upon the above provided findings of fact there is clear and convincing evidence to find that Respondent(s) violated the following:

- a) 36 O.S. §1435.13(A)(1) and 36 O.S. §1435.13(A)(3) by indicating in their renewal application that they have never been terminated from any insurance company for alleged misconduct.
- b) 36 O.S. §1435.13(A)(5), 36 O.S. §1435.13(A)(7) and 36 O.S. §1435.13(A)(8) by:
 - 1. Applying alarm system and IBHS home discounts to multiple customers' policies while knowing the discount did not apply;
 - 2. Creating, altering, and submitting fabricated ADT-Protection 1 and IBHS certificates to State Farm in order to support inapplicable discounts;
 - 3. Entering inaccurate year-built dates for homes on fire applications for purposes of manipulating fire rates and obtaining lower premium rates.

28. 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. 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, also 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.

ORDER

IT IS THEREFORE ORDERED that Respondent Tyler Garrett Huckabee's resident insurance producer license number 100252576 is hereby placed on **PROBATION** for **two (2) years**. Respondent Huckabee is ordered to pay the costs of the proceeding in the amount of One Hundred Fifty Dollars (**\$150.00**) and is fined Seven Thousand Six Hundred Dollars (**\$7,600.00**).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that Respondent Michael Christopher Tate's resident insurance producer license number

100241000 is hereby **REVOKED**. Respondent Tate is ordered to pay the costs of the proceeding in the amount of One Hundred Fifty Dollars (\$150.00) and is fined Sixteen Thousand Dollars (\$16,000.00). The Insurance Commissioner shall notify all appointing insurers of Respondent Tate's revocation and shall notify the Central Office the National Association of Insurance Commissioners of Respondent's revocation.

Dated this 16th day of August, 2023.



Stephan Mathis
INDEPENDENT HEARING EXAMINER
OKLAHOMA INSURANCE DEPARTMENT

CERTIFICATE OF MAILING

I, Antuanya "Bo" DeBose, hereby certify that a true and correct copy of the above and foregoing Final Administrative Order was mailed by first class U.S. Mail and by certified mail with postage prepaid and return receipt requested on this 17th day of August, 2023 to:

Michael Christopher Tate



Chris.tate@brightway.com

Tyler Garrett Huckabee



Thuckabee2@allstate.com

Tyler Garrett Huckabee
2800 WASHINGTON DR STE 100
NORMAN, OK 73069-1022

and that a copy was delivered to:

Anti-fraud & Licensing Division

CERTIFIED MAIL NO:
9214 8902 0982 7500 0566 16

CERTIFIED MAIL NO:
9214 8902 0982 7500 0566 23

CERTIFIED MAIL NO:
9214 8902 0982 7500 0566 30



Antuanya "Bo" DeBose