

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

FILED

NOV 22 2022

STATE OF OKLAHOMA, ex rel. GLEN
MULREADY, Insurance Commissioner,

Petitioner,

v.

MARIAH ELISE MUNN,
a resident producer,

Respondent.

**INSURANCE COMMISSIONER
OKLAHOMA**

Case No. 22-0321-DIS

FINAL ADMINISTRATIVE ORDER

This matter is a disciplinary proceeding under the Oklahoma Producer Licensing Act. 36 O.S. §§ 1435.1 et seq. On November 18, 2022, 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 July 1, 2022. The hearing was held at the offices of OID before Independent Hearing Examiner John Miller. Present at the hearing were Antuanya “Bo” DeBose, Assistant General Counsel for OID and Jon Huntington for OID’s Anti-Fraud Division. Respondent Mariah Elise Munn (“Respondent”) appeared pro se.

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, John Miller, who shall sit as a quasi-judicial officer pursuant to 36 O.S. § 319.

3. Respondent holds resident producer license number 122661 and is licensed by the State of Oklahoma. Respondent's address of record is [REDACTED]

4. 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).

5. Petitioner afforded Respondent an opportunity for hearing by sending the *Notice* by certified mail return receipt requested and by electronic mail on July 1, 2022 to Respondent. 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.

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

7. The following exhibits were introduced and admitted:

- a) Petitioner's Exhibit A: OSCN record CF-2021-0194 (Pottawatomie County)
- b) Petitioner's Exhibit B : OSCN record CM-2022-0048 (Pottawatomie County)
- c) Petitioner's Exhibit C: Judgement and Sentence Misdemeanor CM-2022-0048 (Pottawatomie County)
- d) Petitioner's Exhibit D: Ford Insurance Agency Letter
- e) Petitioner's Exhibit E: Restitution Recovery Form
- f) Petitioner's Exhibit F: Ford Agency's Audit Documents

8. The following witnesses were sworn and testified under oath:

- a) Charlotte Barnett, Ford Insurance Agency Owner
- b) Jon Huntington, Investigator with OID

c) Mariah Munn, Respondent

9. The Anti-Fraud Unit of the OID received a complaint from Charlotte Barnett (“Barnett”), owner of the Ford Insurance Agency, LLC (“Ford Agency”) reporting that Respondent had been charged criminally with embezzling money from her business. OID assigned investigator Jon Huntington (“Investigator Huntington”) to the case. (See Testimony of Charlotte Barnett and Testimony of Jon Huntington).

10. While employed at the Ford Agency, Respondent was an insurance producer who accepted premium payments from clients, conducted customer service, and issued policies. Respondent also worked for the Ford Agency’s side business, Carrow Properties (“Carrow”), which is a rental property business. Respondent was responsible for accepting tenant payments for Carrow. Both the Ford Agency and Carrow conduct business from the same building. (See Testimony of Charlotte Barnett, Testimony of Jon Huntington, and Testimony of Mariah Munn).

11. During her tenure at the Ford Agency, Respondent had alcohol related issues and was terminated. The Ford Agency had their bookkeeper conduct an audit of Respondent’s insurance accounts and the Carrow accounts. The audit revealed bank deposit shortages in the Carrow accounts. The audit of Respondent’s insurance accounts also revealed bank account shortages. Based on the audit of Respondent’s accounts, Barnett contacted the Shawnee Police Department. (See Testimony of Charlotte Barnett and Petitioner’s Exhibit F).

12. After investigation, the Shawnee Police Department arrested Respondent for one (1) count of Embezzlement in Pottawatomie County case number CF-2021-194. However, the insurance deposit shortages were not pursued by the Pottawatomie District Attorney’s office. (See Testimony of Charlotte Barnett, Testimony of Jon Huntington, and Petitioner’s Exhibit A).

13. CF-2021-194 was dismissed by the Pottawatomie County District Attorney's office and Respondent pled guilty to two (2) counts of misdemeanor embezzlement in CM-2022-48 in regard to the shortages in the Carrow accounts. Respondent entered this plea at the advice of her attorney. Respondent was placed on a five (5) year deferred sentence and ordered to pay \$6,117.93 in restitution. Respondent has paid the restitution in full and completed rehab to address her alcohol related issues. (See Testimony of Jon Huntington, Testimony of Mariah Munn, Petitioner's Exhibit B, Petitioner's Exhibit C, and Petitioner's Exhibit E)

14. Respondent was interviewed by Investigator Huntington. Respondent admitted to taking funds from the Carrow account but denied taking any insurance policy premiums from the bank deposits. (See Testimony of Jon Huntington and Testimony of Mariah Munn).

CONCLUSIONS OF LAW

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

16. That Respondent is licensed by the OID as a resident producer pursuant to 36 O.S. § 1435.1 *et seq.*

17. That Respondent was provided adequate notice and a hearing pertaining to the Notice of Hearing and Order to Show Cause filed on July 1, 2022, in accordance with the Oklahoma Insurance Code and the Oklahoma Administrative Procedures Act.

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

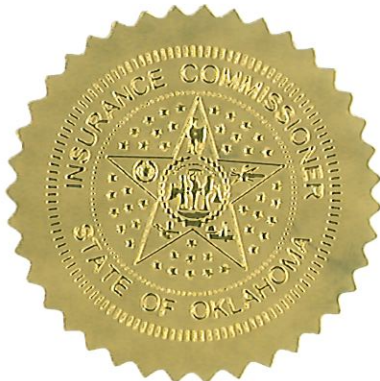
- a) 36 O.S. §1435.13(A)(8), demonstrating untrustworthiness and financial irresponsibility by embezzling funds from Carrow Properties.


19. 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 Mariah Elise Munn's resident insurance producer license number 122661 is hereby **SUSPENDED** for a period of twelve (12) months, to run from November 18, 2022 until November 18, 2023. Respondent is ordered to pay the costs of the proceeding in the amount of One Hundred Fifty-Eight Dollars and Forty-Five Cent (**\$158.45**) and is fined Five Hundred Dollars (**\$500.00**). The Insurance Commissioner shall notify all appointing insurers of the suspension and shall notify the Central Office the National Association of Insurance Commissioners of Respondent's suspension.

Done this 22nd day of November, 2022.





JOHN MILLER
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 22nd day of November, 2022 to:

Mariah Elise Munn



CERTIFIED MAIL NO.
9214 8902 0982 7500 0504 16

and that a copy was delivered to:

Licensing and Anti-Fraud Division



Antuanya "Bo" DeBose