

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

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

Petitioner,

v.

JESSICA A. HAMMERS,
a resident producer,

Respondent.)

Case No. 22-0550-DIS

FILED

APR 20 2023

INSURANCE COMMISSIONER
OKLAHOMA

FINAL ADMINISTRATIVE ORDER

This matter is a disciplinary proceeding under the Oklahoma Producer Licensing Act. 36 O.S. §§ 1435.1 et seq. On April 13, 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 March 22, 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 and April Moore for OID's Anti-Fraud Division. Respondent Jessica A. Hammers ("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, Stephan Mathis, who shall sit as a quasi-judicial officer pursuant to 36 O.S. § 319.

3. Respondent held resident producer license number 3000907418 issued by the State of Oklahoma. Respondent's resident producer license expired October 31, 2022. 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 March 22, 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.

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: Respondent's Equity Insurance Declaration – Liability
- b) Petitioner's Exhibit B: Respondent's Equity Insurance Declaration – Comprehensive, Collision and Towing
- c) Petitioner's Exhibit C: Respondent's Vehicle Inspection Report
- d) Petitioner's Exhibit D: Respondent's Acknowledge of Claim
- e) Petitioner's Exhibit E: Equity Insurance Voluntary Claim Withdrawal
- f) Petitioner's Exhibit F: Oklahoma Highway Patrol Incident Details Report 9/23/21
- g) Petitioner's Exhibit G: Investigator Moore's Email to Respondent 5/9/22
- h) Petitioner's Exhibit H: Investigator Moore's Letter to Respondent 5/9/22
- i) Petitioner's Exhibit I: Investigator Moore's Note to Respondent 6/14/22

j) Petitioner's Exhibit J: Investigator Moore's Text to Respondent 5/20/22

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

- a) Joseph McKim, Equity Insurance SIU Supervisor
- b) April Moore, OID Investigator
- c) Gary Eiseman, Eyewitness
- d) Jessica Hammers, Respondent

9. The Oklahoma Insurance Department ("OID") received a complaint from Equity Insurance alleging Respondent submitted a false claim for insurance. Respondent added comprehensive and collision coverage to her vehicle, then filed a claim for an accident she was in prior to the additional coverage. OID assigned investigator April Moore ("Investigator Moore") to the case. Equity Insurance assigned Joseph McKim ("Investigator McKim") to investigate. (See, Testimony of Joseph McKim and Testimony of April Moore).

10. On or about August 31, 2021, Respondent obtained a policy from Equity Insurance for liability only coverage on her 2016 Dodge Challenger and 2009 Chevy Impala. (See, Testimony of Joseph McKim, Testimony of April Moore, and Petitioner's Exhibit A).

11. On September 19, 2021, Respondent added comprehensive and collision coverage to her Equity Insurance policy for the 2016 Dodge Challenger and submitted a vehicle inspection report for the vehicle, reporting a minor scuff on the front bumper. (See, Testimony of Joseph McKim, Testimony of April Moore, Petitioner's Exhibit B and Petitioner's Exhibit C).

12. Witnesses notice a wrecked Dodge Challenger similar to Respondent's on the side of Highway 152 in Union City, Oklahoma prior to September 21, 2021. (See, Testimony of Joseph McKim, Testimony of April Moore, and Testimony of Gary Eiseman).

13. On or about September 23, 2021, Gary Eiseman contacted the Oklahoma Highway Patrol ("OHP") regarding the 2016 Dodge Challenger, stating the car hit a deer near his driveway and was parked there for a week. Gary Eiseman assumed someone would come pick up the vehicle, but no one ever did and the deceased deer began to smell. OHP contacted K&L Wrecker Service to tow Respondent's 2016 Dodge Challenger. (See, Testimony of Joseph McKim, Testimony of April Moore, Testimony of Gary Eiseman and Petitioner's Exhibit F).

14. On October 7, 2021, Respondent called Equity Insurance and filed a claim, reporting that she hit a deer in the 2016 Dodge Challenger on September 21, 2021 on Highway 152 in Union City, Oklahoma. (See, Testimony of Joseph McKim, Testimony of April Moore, Testimony of Jessica Hammers and Petitioner's Exhibit D).

15. Equity Insurance and Investigator Moore received information from K&L Wrecker Service that Respondent's 2016 Dodge Challenger was parked on the side of Highway 152 in Union City, Oklahoma on September 18, 2021 or September 19, 2021 (prior to the accident date reported in Respondent's claim). (See, Testimony of Joseph McKim and Testimony of April Moore).

16. Equity Insurance attempted several times to contact Respondent for a statement regarding the claim and she was ordered to appear for an examination under oath. Respondent failed to appear at the examination under oath. (See, Testimony of Joseph McKim).

17. Respondent contacted Equity Insurance and left a voicemail to withdraw her claim, however she did not submit a voluntary claim withdrawal form. (See, Testimony of Joseph McKim, Testimony of Jessica Hammers and Petitioner's Exhibit E).

18. Equity Insurance denied Respondent's claim due to her failure to cooperate and no claim payment was made. (See, Testimony of Joseph McKim).

19. On May 9, 2022, Investigator Moore called Respondent to schedule an in-person interview, but there was no answer. Respondent's voicemail was full, and a voicemail could not be left. Investigator Moore sent a text message to Respondent asking her to contact Investigator Moore. Additionally, an email was sent to Respondent asking her to call or email OID to schedule an in-person meeting. Investigator Moore also mailed a certified letter to Respondent's residence and received a return receipt. Respondent failed to respond to all requests from Investigator Moore. (See, Testimony of April Moore, Testimony of Jessica Hammers and Petitioner's Exhibit G, Petitioner's Exhibit H and Petitioner's Exhibit J).

20. On June 14, 2022, Investigator Moore attempted an in-person interview of Respondent at her residence. No one answered the door, so Investigator Moore left a letter requesting that Respondent respond. (See, Testimony of April Moore and Petitioner's Exhibit I).

21. Only after tracking down Respondent at her place of employment was Investigator Moore able to conduct an interview of Respondent. (See, Testimony of April Moore)

22. 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) Failing to respond to an inquiry from the Department as required by Section 1250.4.

23. Pursuant to the provisions of 36 O.S. §1435.13 (F), the Insurance Commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by the Oklahoma Producer Licensing Act and this title against any person who is under investigation for or charged with a violation of the Oklahoma Producer Licensing Act or this title even if the person's license or registration has been surrendered or has lapsed by operation of law.

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 was licensed by the OID as a resident producer pursuant to 36 O.S. § 1435.1 et seq.

26. That Respondent was provided adequate notice and a hearing pertaining to the Notice of Hearing and Order to Show Cause filed on March 22, 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 violated 36 O.S. §1435.13(A)(8) demonstrating untrustworthiness and dishonest practices by adding comprehensive and collision coverage to her 2016 Dodge Challenger after she was involved in an accident, then attempting to file a claim.

28. Based upon the above provided findings of fact there is clear and convincing evidence to find that Respondent violated 36 O.S. §1435.13(A)(15) by failing to respond to Investigator Moore's inquiries as required in 36 O.S. §1250.4.

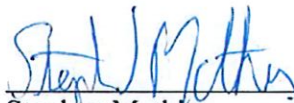
29. The Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew a license issued pursuant to the Oklahoma Producer Licensing Act. In addition to or in lieu of any applicable denial, probation, censure, suspension or revocation of a

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 Jessica A. Hammers' resident insurance producer license number 3000907418 is hereby **REVOKED**. Respondent is ordered to pay the costs of the proceeding in the amount of **\$300.00** and is fined **\$1,500.00**. The fine and costs shall be submitted to the Oklahoma Insurance Department within thirty (30) days of the date of this Order. The fine shall be made payable to the Oklahoma Insurance Department and sent to the Oklahoma Insurance Department located at 400 NE 50th Street, Oklahoma City, Oklahoma 73105. Failure to comply with a proper order of the Commissioner will result in further administrative action. The Insurance Commissioner shall notify all appointing insurers of Respondent's revocation and shall notify the Central Office the National Association of Insurance Commissioners of Respondent's revocation.

Done this 19 day of April, 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 *Order* was mailed by first class U.S. Mail and by certified mail with postage prepaid and return receipt requested on this 20th day of April, 2023 to:

Jessica A. Hammers



jessica@mhii.com

CERTIFIED MAIL NO:
9214 8902 0982 7500 0535 30

and that a copy was delivered to:

Licensing and Anti-Fraud Division


Antuanya "Bo" DeBose