

**FILED**

**FEB 27 2023**

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

STATE OF OKLAHOMA, ex rel. GLEN )  
MULREADY, Insurance Commissioner, )  
 )  
Petitioner, )  
v. )  
 )  
MICHELLE MCINTYRE, )  
an applicant for resident insurance )  
producer in the State of Oklahoma, )  
 )  
Respondent. )

**INSURANCE COMMISSIONER  
OKLAHOMA**

Case No. 22-0690-DIS

**FINAL ADMINISTRATIVE ORDER**

This matter is a disciplinary proceeding under the Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1 et seq. On February 13, 2023, a show cause hearing was held at the Oklahoma Insurance Department ("OID") on the OID's *Notice of Hearing and Order to Show Cause* ("Notice"), filed January 27, 2023. The hearing was held at the offices of the OID before Independent Hearing Examiner John Miller. Present at the hearing were Andrea M. Golden, Assistant General Counsel for the OID, and Respondent Michelle McIntyre appeared pro se. Witnesses were sworn and testified, exhibits were admitted, and argument of the parties heard.

**FINDINGS OF FACT**

1. The 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. Respondent is an applicant for resident insurance producer license. Respondent's mailing address of record is [REDACTED]
3. Pursuant to 36 O.S. §§ 1435.13(A) and (D), 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.

4. Petitioner afforded Respondent an opportunity for hearing by sending the *Notice of Hearing and Order to Show Cause* by certified mail return receipt requested on January 27, 2023, and by e-mail to [REDACTED]. The Notice, filed January 27, 2023, 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.

5. 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.

6. The hearing was recorded electronically by an employee of the Oklahoma Insurance Department. Neither party requested a full stenographic record of the proceedings.

7. The following exhibit(s) were introduced and admitted:

- a. Exhibit A: Respondent's Resident Insurance Producer Application.
- b. Exhibit B1: The Oklahoma Insurance Department's letter notifying Respondent of undisclosed criminal history and request for the certified court record with a letter of explanation.
- c. Exhibit B2: The Oklahoma Insurance Department's letter notifying Respondent of the undisclosed Kansas Insurance Department administrative action and request for upload of the administrative action and letter of explanation.
- d. Exhibit C: Kansas Insurance Department Consent Agreement and Order, Docket No. 5106-CO, filed September 11, 2017.
- e. Exhibit D: Respondent's certified misdemeanor court record from Pratt County District Court Case No. 2010-CR-218.

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

a. Courtney E. Khodabakhsh, OID Licensing Division.

b. Michelle McIntyre, Respondent.

9. On or about August 26, 2022, Respondent submitted her application for a resident producer license.

10. On the application form, question 1a asks the following: “[h]ave you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?” Respondent answered “No” to question 1a on her application. (See Exhibit A and Testimony of Courtney E. Khodabakhsh).

11. On the application form, question 2 asks the following: “[h]ave you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?” Respondent answered “No” to question 2 on her application.

12. Upon review of the application, the OID Licensing Division discovered an undisclosed Kansas administrative action. (See Exhibit B2, Exhibit E, and Testimony of Courtney E. Khodabakhsh).

13. On or about September 11, 2017, Kansas filed a Consent Agreement Order, Docket No. 5106-CO, wherein Respondent was sanctioned for her failure to disclose a misdemeanor conviction, Case No. 2010-CR-218, in her Kansas application. Respondent was further ordered to disclose the existence of the Kansas administrative order on any licensing authority application as a disciplinary action involving a license. (See Exhibit C and Testimony of Courtney E. Khodabakhsh).

14. Upon further review of the Kansas administrative order, OID discovered that Respondent also failed to disclose the misdemeanor conviction in Pratt County Kansas District Court Case No.



2010-CR-218. (See Exhibit B1, Exhibit E, and Testimony of Courtney E. Khodabakhsh).

15. During the hearing Respondent notified the OID that her address has changed to [REDACTED]

### CONCLUSIONS OF LAW

16. That Respondent was provided adequate notice and a hearing pertaining to the *Notice* filed January 27, 2023, in accordance with the Oklahoma Insurance Code and Oklahoma Administrative Procedures Act.

17. Based upon the provided findings of fact there is clear and convincing evidence that Respondent violated the following:

- a. 36 O.S. § 1435.13(A)(1) by failing to disclose a misdemeanor conviction in Pratt County Kansas District Court, Case No. 2010-CR-218 in her OID producer license application.
- b. 36 O.S. § 1435.13(A)(2) by failing to disclose the existence of the Kansas Consent Agreement and Order as a disciplinary action in her OID producer license application.

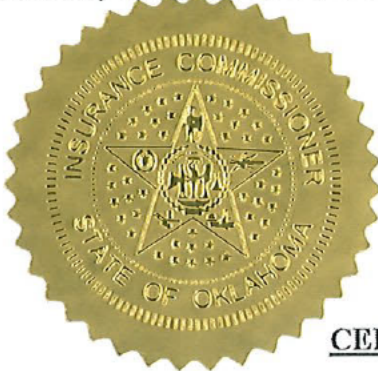
### ORDER


**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that is has been established by clear and convincing evidence that Respondent Michelle McIntyre violated 36 O.S. § 1435.13(A)(1) and 36 O.S. § 1435.13(A)(2), and as a result, she is **CENSURED** and **FINED Two Hundred Dollars (\$200.00)**.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Respondent pay the costs of the proceeding in the amount of **One Hundred Fifty-Eight Dollars (\$158.00)**. The costs and fine shall be paid within thirty (30) days of the date of this Order and made payable to the

Oklahoma Insurance Department located at 400 NE 50th Street, Oklahoma City, Oklahoma 73105.

WITNESS My Hand and Official Seal this 24<sup>th</sup> day of February 2023.



  
\_\_\_\_\_  
JOHN MILLER  
INDEPENDENT HEARING EXAMINER  
OKLAHOMA INSURANCE DEPARTMENT

**CERTIFICATE OF MAILING**

I 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 27<sup>th</sup> day of February 2023 to:

Michelle McIntyre



Certified Mail No.  
9214 8902 0982 7500 0524 41

Michelle McIntyre



Certified Mail No.  
9214 8902 0982 7500 0524 58

and a copy was delivered to:

Licensing Division

  
\_\_\_\_\_  
Andrea M. Golden  
Assistant General Counsel