

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

MAY 14, 2024

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

**Petitioner,**

**v.**

**LUIS RAMOS GUETTE,**  
a non-resident producer,

**Respondent.**

**INSURANCE COMMISSIONER**  
**OKLAHOMA**

**Case No. 24-0165-DIS**

**FINAL ADMINISTRATIVE ORDER**

This matter is a disciplinary proceeding under the Oklahoma Producer Licensing Act. 36 O.S. §§ 1435.1 et seq. On May 13, 2024, a show cause hearing was held at the Oklahoma Insurance Department (the "OID") on the OID's *Statement of Charges and Notice of Hearing* ("Notice"), filed April 30, 2024. The hearing was held at the offices of the OID, before Independent Hearing Examiner John Miller. Present at the hearing was Tyler P. Trammell, Assistant General Counsel for the OID. Respondent, Luis Ramos Guette ("Respondent") 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, John Miller, who shall sit as a quasi-judicial officer pursuant to 36 O.S. § 319.

3. Respondent, holding license number 3000629716, was licensed by the State of Oklahoma as a resident insurance producer as defined and required by 36 O.S. § 1435.2(7). His 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 May 30, 2024. 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, Sherry Standerfer.

7. The following exhibits were introduced and admitted:

- a) Petitioner's Exhibit 1: CMS notification E-Mail to OID regarding Respondent termination from the Federal-Facilitated Marketplace, dated March 1, 2024.
- b) Petitioner's Exhibit 2: CMS letter to Respondent regarding suspension from the Federal-Facilitated Marketplace, dated September 28, 2023.
  - 1. Petitioner's Exhibit 2-A: Attachment to September 28, 2023, letter with Investigative Findings and Determinations.
- c) Petitioner's Exhibit 3: CMS letter to Respondent regarding termination from the Federal-Facilitated Marketplace, dated January 16, 2024.
- d) Petitioner's Exhibit 4: CMS Case Summary and Overview of Respondent.
- e) Petitioner's Exhibit 5: OID/Anti-Fraud Unit Interview Report of victim, Ms. Reyes.

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

a) Max Worrell, Oklahoma Insurance Department, Licensing Division

b) April Moore, Oklahoma Insurance Department, Anti-Fraud Unit

9. On or about March 1, 2024, the OID received a notification from the Centers for Medicare & Medicaid Services (CMS) regarding the termination of Respondent as a result of fraudulent and/or abusive conduct. The OID assigned Investigator April Moore to the case (Investigator Moore).

10. Pursuant to the CMS investigative documentation received by the OID, Respondent had been terminated from the Federally-Facilitated Marketplace (FFM) for creating applications for multiple consumers without their prior authorization and by using inaccurate information on their eligibility applications, including but not limited to, household income, marital status, citizenship status, and inaccurate attestations regarding Social Security Numbers. (See, Petitioner's Exhibits 1 thru 3).

11. Further, CMS' investigative documentation showed that Respondent had a total of one hundred and twenty-two (122) complaints of fraud or misconduct in the last two years, and thirty-six (36) confirmed unauthorized enrollments for the last two years. (See, Testimony of Investigator Moore and Petitioner's Exhibit 4).

12. On April 24, 2024, Investigator Moore interviewed the victim. The victim stated that she had never signed up nor filled out an application for insurance. Did not register for any other person to sign her up through the federal marketplace, and further had never heard of the Respondent. (See, Testimony of Investigator Moore and Petitioner's Exhibit 5).

13. Pursuant to the provisions of 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 and/or may levy a civil fine of not less than One



Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000) for each occurrence of a violation of the Oklahoma Insurance Code. Said penalty may be enforced in the same manner in which civil judgments may be enforced.

#### **CONCLUSIONS OF LAW**

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

15. That the Respondent was licensed by the OID as a non-resident producer pursuant to 36 O.S. § 1435.1 et seq.

16. That the Respondent was provided adequate notice and a hearing pertaining to the *Statement of Charges and Notice of Hearing* filed on April 30, 2024, in accordance with the Oklahoma Insurance Code and the Oklahoma Administrative Procedures Act.

17. Based upon the above provided findings of fact there is clear and convincing evidence to find that the Respondent violated 36 O.S. §1435.13(A)(7), by committing insurance fraud, 36 O.S. §1435.13(A)(8), by using fraudulent practices in the conduct of business in this state or elsewhere, 36 O.S. §1435.13(A)(9), by having an insurance producer license revoked in any other state, province, district, or territory, and 36 O.S. §1435.13(A)(10), by forging another's name to an application for insurance.

18. 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, Luis Ramos Guette's non-resident insurance producer license number 3000629716 is hereby **REVOKED**. The Respondent is further ordered to pay a fine of **Four Thousand Dollars (\$4,000.00)** and the costs of the proceeding in the amount of **One Hundred Fifty-Nine Dollars and Forty-Four Cents (\$159.44)**. The Insurance Commissioner shall notify all appointing insurers of the revocation and shall notify the Central Office the National Association of Insurance Commissioners of the Respondent's revocation. 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 50<sup>th</sup> Street, Oklahoma City, Oklahoma 73105. Failure to comply with a proper order of the Commissioner will result in further administrative action.

WITNESS My Hand and Official Seal this 14<sup>th</sup> day of May 2024.



GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
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JOHN MILLER  
INDEPENDENT HEARING EXAMINER  
OKLAHOMA INSURANCE DEPARTMENT

**CERTIFICATE OF MAILING**

I, Tyler P. Trammell, 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 15<sup>th</sup> day of May 2024 to:

Luis Ramos Gvette



**CERTIFIED MAIL**

**9589 0710 5270 0154 8795 04**

and that a copy was delivered to:

Licensing and Anti-Fraud Division

A handwritten signature in blue ink, appearing to read "Tyler P. Trammell", written over a horizontal line.

Tyler P. Trammell, OBA No. 32885

Assistant General Counsel

Oklahoma Insurance Department

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