

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

**FILED**  
NOV 18 2024  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. )  
GLEN MULREADY, Insurance Commissioner, )  
 )  
Petitioner, )  
v. )  
 )  
MICHAEL MITARONTONDA, a licensed )  
Oklahoma nonresident producer, )  
 )  
Respondent. )

Case No. 24-0500-DIS

**AMENDED CONDITIONAL ADMINISTRATIVE ORDER  
AND NOTICE OF RIGHT TO BE HEARD**

**COMES NOW** the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner,  
by and through his attorney, Julie Reding, and alleges and states as follows:

**JURISDICTION**

1. Glen Mulready is the Insurance Commissioner of the State of Oklahoma and is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101-7402 and the Oklahoma Producer Licensing Act, 36. O.S. §§ 1435.1–1435.41.

2. Respondent Michael Mitarontonda (“Respondent”) holds a nonresident producer license, license number 3003081732 and NPN Number 21028036. Respondent’s mailing address of record is [REDACTED]

3. The Insurance Commissioner has jurisdiction over the subject matter raised in this dispute and may issue penalties pursuant to 36 O.S. §§ 1435.7, 1435.13(A) and (D).

4. Pursuant to 36 O.S. § 1435.13(A) & (D), in addition to or in lieu of any applicable denial, probation, censure, suspension or revocation of a license, the Insurance Commissioner may levy a fine up to \$1,000.00 for each violation of the Oklahoma Producer Licensing Act.

5. Pursuant to OAC 365:1-7-1, if Respondent requests a hearing in writing in this matter, the Insurance Commissioner, pursuant to 36 O.S. §319, will appoint an independent hearing examiner who shall sit as a quasi-judicial officer and preside over the hearing requested by Respondent.

6. Pursuant to OAC 365:1-7-5, the Insurance Commissioner, upon written request reasonably made by a person affected by the hearing and at such person's expense, shall cause a full stenographic record of the proceedings to be made by a competent court reporter.

#### **FINDINGS OF FACT**

7. On or about December 10, 1996, Respondent pled *nolo contendere* to the felony charge of sale, manufacture, or delivery of a controlled substance, in *State of Florida v. Michael R. Mitarontonda*, Case Number F96-31995A, in the Circuit Court of the Eleventh Judicial Circuit In and For Dade County, Florida. The Respondent was found guilty and the court issued an order withholding adjudication and special conditions which included one year of probation and completion of one hundred fifty (150) hours of community service and substance abuse treatment.

8. On or about June 21, 2000, Respondent pled guilty to a misdemeanor charge of resisting an official with violence in *State of Florida v. Michael Mitarotonda*, Case Number F00011702, in the Circuit Court of the Eleventh Judicial Circuit In and For Dade County, Florida. The Court entered a judgement of guilty and ordered and adjudged that the imposition of sentence is withheld and placed Respondent on probation for a period of one year.

9. On or about June 15, 2000, in *State of Florida v. Michael Mitarotonda*, Case Number F00011702, in the Circuit Court of the Eleventh Judicial Circuit In and For Dade County, Florida (office record 19192PG3266), the judge ordered as special conditions of Respondent's probation, that Respondent complete fifty (50) hours of community service and successfully complete anger control counseling.

10. On or about December 21, 2023, Respondent obtained a Florida Resident initial producer license.

11. On or about May 6, 2024 Respondent applied for an Oklahoma nonresident insurance producer license (transaction number 753881053).

12. On Respondent's initial Oklahoma application form, question 1A. asks the following: "Have 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 this question on the application.

13. On Respondent's initial Oklahoma application form, question 1B. asks "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications?" Respondent answered "NO" to this question on the application.

14. On or about May 6, 2024, Respondent's nonresident producer license was "auto-approved."

15. On or about May 31, 2024, Empower Life and Health Insurance Agency, LLC, ("Empower Life"), (NPN No. 21131283), applied for its initial Oklahoma Nonresident Business Entity Producer License (Transaction #755990254). Empower Life's application reflects that



Respondent is the Designated Responsible Licensed Person (DRLP) and one hundred (100) percent Owner of Empower Life.

16. On Empower Life's initial business entity application form, question 1A. asks the following: "Has the business entity or any owner, partner, officer or director of the business entity, or member or manager of a limited liability company, ever been convicted of a misdemeanor, had a judgement withheld or deferred, or is the business entity or any owner, partner, officer or director of the business entity, or member or manager currently charged with, committing a misdemeanor: You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence, (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude juvenile adjudications." Respondent answered "YES" to this question.

17. On Empower Life's initial application form, question 1B. asks the following: "Has the business entity or any owner, partner, officer or director of the business entity, or member of manager of a limited liability company ever been convicted of a felony, had judgment withheld or deferred, or is the business entity or any owner, partner, officer or director of the business entity or member or manager of a limited liability company currently charged with committing a felony? You may exclude juvenile adjudications. Respondent answered YES to this question.

18. On or about May 31, 2024, OID Licensing asked Respondent for an explanation as to why Respondent answered NO to Background Questions 1A and IB on Respondent's initial May 6, 2024 application for individual nonresident producer license and whether Respondent had notified a list of other state insurance departments of his criminal background. OID acknowledged that Respondent's criminal background documents were uploaded to Empower Life's NIPR Warehouse account on April 5, 2024 and to Respondents Individual NIPR Warehouse account on

January 17, 2024. OID requested a response within twenty days and that the response be sent directly to OID Licensing.

19. On or about June 14, 2024, Respondent uploaded a response into the NIPR Warehouse and not directly to OID Licensing as instructed and explained that he misunderstood the question in answering “NO.”

20. On or about July 23, 2024, OID Licensing asked Respondent follow-up questions about his explanation for answering “NO” to background questions and for verification that Respondent had disclosed his criminal background to the Florida Department of Insurance when he applied for and obtained his initial Florida insurance producer license on or about December 21, 2023.

21. On or about July 23, 2024, Respondent responded to OID Licensing and explained that he thought he could answer “NO” to background questions on his Oklahoma application. In Respondent’s explanation he wrote “I misunderstood the question in answering “no” when I filled out my personal non-resident licensing application on May 7, 2024, as since I had already uploaded the documents to the Attachments Warehouse on January 17, 2024 I did not realize I needed to also answer Yes on the application.” Respondent also attached documentation verifying he had disclosed his criminal background documents to Florida Department of Insurance before Florida approved his application and that he disclosed his criminal background in applications to other states.

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: . . . 1. Providing incorrect, misleading, incomplete



or materially untrue information in the license application; ... 3. Obtaining or attempting to obtain a license through misrepresentation or fraud;

...

D. 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, be subjected to a civil fine of not more than One Thousand Dollars (\$1,000.00) for each occurrence. The said penalty may be enforced in the same manner in which civil judgements may be enforced.

### **CONCLUSIONS OF LAW**

23. Respondent has violated 36 O.S. § 1435.13(A)(1) by providing incorrect, misleading, incomplete or materially untrue information in Respondent's initial license application by answering NO to questions 1A and 1B when Respondent should have answered YES by failing to disclose Respondent's criminal felony charge in Case Number F96-31995A and misdemeanor charge in Case Number F00011702.

24. Respondent has violated 36 O.S. § 1435.13(A)(3) by answering NO to questions 1A and 1B by failing to disclose Respondent's criminal felony charge in Case Number F96-31995A and misdemeanor charge in Case Number F00011702 by obtaining or attempting to obtain a license through misrepresentation and fraud.

### **ORDER**

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Respondent is hereby **CENSURED** and **FINED FIVE HUNDRED (\$500.00)**. The fine shall be paid within thirty (30) days of the date of this Conditional Administrative Order. The fine must be paid online through the Department's website on the Legal Division's homepage at <https://www.oid.ok.gov/about-oid/divisions-programs/legal-division/> by navigating to the "Pay Fees and Fines Online" tab under the "Legal Division" menu along the left-hand side of the page. Payment will include a nonrefundable processing fee of One Dollar (\$1.00), which one must agree to accept by clicking the "Accept Terms and Conditions" button. On the next screen, one will

select the "Payment Type" from the drop-down menu by selecting "Legal Fines and Costs" and clicking "Continue," which will take one to a page to complete your payment. Should one experience difficulty completing one's online payment, please, contact the Legal Division at (405) 521-2746 for assistance. Failure to comply with a proper order of the Commissioner will result in further administrative action.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Findings of Fact set forth above within thirty (30) days of the date of mailing of this Order, the penalties set forth above will become a Final Order on the thirty-first (31<sup>st</sup>) day following the date of mailing this Order. A request for hearing should be in writing addressed to Julie Reding, Oklahoma Insurance Department, Legal Division, 400 NE 50<sup>th</sup> St. Oklahoma City, Oklahoma 73105. The request for hearing must state the grounds for the request to set aside or modify the Order and must be served on the Oklahoma Insurance Department within the 30 days allotted. The proceedings on such requested hearing will be conducted in accordance with the Oklahoma Insurance Code, 36 O.S. §§ 101 *et seq.*, and the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250-324. If Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as notice of the matters to be reviewed at

the hearing, and the Findings of Fact, Conclusions of Law, and penalties imposed in this Conditional Order shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 18<sup>th</sup> day of November 2024.



GLEN MULREADY  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

A handwritten signature in blue ink, reading "Julie Reding", is written over a horizontal line.

Julie Reding, OBA No.15522  
Assistant General Counsel  
Oklahoma Insurance Department  
400 N.E. 50<sup>th</sup> St.  
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**CERTIFICATE OF MAILING**

I, Julie Reding, hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to be Heard* was sent by email and by certified mail with postage prepaid and return receipt requested on this 18th day of November 2024 to:

Michael Mitarotonda



CERTIFIED MAIL NO.  
9214 8902 0982 7500 0668 99

and

that a copy was delivered to:

Licensing Division

  
Julie Reding