

BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA

**FILED**

OCT 21 2008

INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. KIM  
HOLLAND, Insurance Commissioner, )

Petitioner )

v. )

BILLY R. HAWLEY, JR., )

Respondent. )

Case No. 07-1451-DIS

**FINAL ADMINISTRATIVE ORDER**

COMES NOW the State of Oklahoma, ex rel. Kim Holland, Insurance Commissioner, by and through her attorney Julie Delluomo, and alleges and states as follows:

**JURISDICTION AND AUTHORITY**

1. Kim Holland 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 et seq.

2. Karl F. Kramer is the Deputy Insurance Commissioner of the State of Oklahoma and as such, by order of the Insurance Commissioner, is authorized to issue orders and take actions administering and enforcing the provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 *et seq.*, including the authority to issue orders relating to producers authorized to transact the business of insurance in the State of Oklahoma. 36 O.S. § 1435.1 *et seq.*

3. Respondent was licensed on February 24, 1994 by the State of Oklahoma as a resident insurance producer holding license number 107068. His national producer number is 6065469. His address of record is 6518 S. 111<sup>th</sup> E Avenue, Tulsa, OK 74133.

4. The Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew a license issued pursuant to the Producer Licensing Act and/or may levy a civil penalty of \$100.00 to \$1,000.00 for each violation of the Producer Licensing Act. 36 O.S. § 1435.13(A).

5. If the Insurance Commissioner finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to the effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. 75 O.S. §§ 314(C)(2), 314,1, OAC 365:1-7-9(a).

#### **FINDINGS OF FACT**

1. Jeannette Bonney, Agency Manager for GuideOne Insurance, complained to the Oklahoma Insurance Department that Respondent had vacated his agency and failed to remit premium dollars to GuideOne that he had collected from customers and which were owed to GuideOne.

2. An internal investigation by GuideOne Insurance determined that on the evening prior to Respondent vacating his agency, Respondent had electronically uploaded a significant number of customer accounts. These were customers who had paid their premiums to Respondent. Respondent's bank account was overdrawn so none of the premiums were transmitted to GuideOne Insurance.

3. GuideOne then terminated Respondent's appointment upon notification by its bank of the insufficiency of funds in Respondent's account. Respondent's appointment

with GuideOne was terminated effective October 2, 2007. GuideOne placed coverage for all the affected customers and no cancellations occurred.

4. Investigation by the Oklahoma Insurance Department revealed that Thy Kingdom Come, Inc., a prophecy ministry with a television broadcast entitled "Prophecy Watch", was one of the customers whose information was electronically uploaded but none of the premium sent to GuideOne. Documentation provided by GuideOne revealed that the insurance coverage period for Thy Kingdom Come, Inc. was 5/12/07 to 5/12/08 and that the renewal premium was \$2,082.00.

3. An interview with Marialice Worden, bookkeeper for Thy Kingdom Come, Inc., disclosed that Worden had complained to Respondent about the increase in the renewal premium and that Respondent had agreed to reduce the cost from \$2,082.00 to \$1,888.00 if Thy Kingdom Come, Inc. would pay the premium in full prior to the renewal date. Worden stated that Respondent came to her office and personally picked up the check in the amount of \$1,880.00.

4. An examination of Respondent's bank account, number 636548 at RCB Bank, 300 W. Patti Page Blvd., Claremore, Oklahoma for May 2007 showed a deposit of \$2,968.75, listing three checks made payable to GuideOne Insurance. One of the checks was from Thy Kingdom Come, Inc., in the amount of \$1,880.00, Further exam showed an ending balance of \$21.93. No check in the amount of \$1,880.00 was processed from this account during the month of May 2007, even though all the money was spent, except for \$21.93.

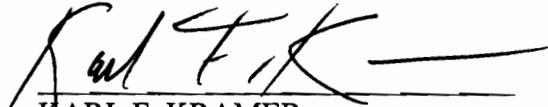
**CONCLUSIONS OF LAW**

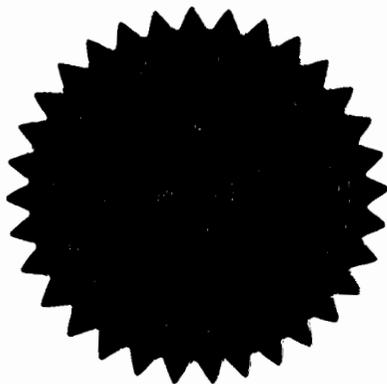
Respondent has violated 36 O.S. § 1435.13(A)(4) by improperly withholding, misappropriating or converting monies or properties received in the course of doing an insurance business and has violated 36 O.S. § 1435.13(A)(8) by using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state.

**ORDER**

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that the **Administrative Order of Suspension Instanter** entered in this matter on October 17, 2008 is a **FINAL ADMINISTRATIVE ORDER**, that no hearing was requested and Respondent's license is hereby **REVOKED**.

WITNESS My Hand and Official Seal this 21 day of October, 2008.

  
KARL F. KRAMER  
DEPUTY INSURANCE COMMISSIONER  
STATE OF OKLAHOMA



**CERTIFICATE OF MAILING**

I, Julie Delluomo, hereby certify that a true and correct copy of the above and foregoing Final Administrative Order was mailed by certified mail with postage prepaid and return receipt requested on this 21<sup>st</sup> day of October, 2008, to:

Billy R. Hawley  
6518 S. 111<sup>th</sup> E Avenue  
Tulsa, OK 74133

**CERTIFIED MAIL NO. 7006 0810 0002 6163 7093**

and that notification was sent to:

NAIC/RIRS

and that a copy was mailed to:

All Appointing Insurers

and that a copy was delivered to:

Agents Licensing Division

  
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Julie Delluomo