

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

AUG 28 2008

STATE OF OKLAHOMA, ex rel. KIM)
HOLLAND, Insurance Commissioner,)
Petitioner,)
v.)
LINDA KAY STEWART,)
a licensed Oklahoma Insurance Producer,)
Respondent.)

INSURANCE COMMISSIONER
OKLAHOMA

Case No. 08-1287-DIS

**EMERGENCY REVOCATION ORDER
AND NOTICE OF RIGHT TO BE HEARD**

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

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. Respondent is licensed by the State of Oklahoma as a resident insurance producer license number 89313.

ALLEGATIONS OF FACT

1. Respondent was licensed as an insurance producer by the State of Oklahoma on October 20, 1994.
2. Respondent worked with Richard Leighton Atherton, a licensed insurance producer, as a marketing team at Rooney Insurance Agency in Tulsa, Oklahoma.

Atherton was the selling producer and Respondent assisted him with bid and quote preparation and the majority of the detail work.

3. Century Geophysical Corporation was a customer of Rooney Insurance Agency. Respondent and Atherton worked together servicing Century Geophysical's insurance needs and had built up a significant amount of trust with John McCormack, President of Century Geophysical.

4. Respondent presented Denise Johnson, bookkeeper for Century Geophysical Corporation, with a Rooney Insurance invoice dated March 29, 2007 in the amount of \$11,000.00. Respondent instructed Johnson to issue a Century Geophysical check payable to Richard Atherton in the amount of \$11,000.00 for his commission on Century Geophysical's insurance needs. Johnson did as instructed and issued a check dated March 30, 2007 in the amount of \$11,000.00.

5. Johnson later contacted George Kolczun, General Manager and Vice President of Rooney Insurance Agency and discovered that the Rooney invoice was not authorized by Rooney Insurance Agency.

6. During an investigation into this matter by the Oklahoma Insurance Department, Respondent admitted she fabricated a bogus Rooney invoice at the instruction of Atherton. Respondent admitted she knew Century Geophysical did not owe the commission separately because she knew it was included in the bid. Respondent stated that Atherton deposited the check into his personal account. Respondent received a personal check from Atherton for \$5,000.00 dated March 30, 2007, the same date as the \$11,000.00 check from Century Geophysical.

ALLEGED VIOLATIONS OF LAW

Such conduct by Respondent as alleged above is in violation of 36 O.S §§ 1435.13(A) (4) and 1435.13(A)(8).

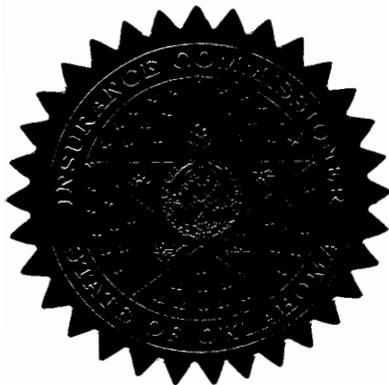
ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner, subject to the following paragraph, that the Respondent violated 36 O.S. §§ 1435.13(A) (4) and 1435.13(A)(8) and has thereby placed the welfare of the public at risk. Emergency action is justified to prevent Respondent from continuing to act as an insurance producer in Oklahoma and therefore **Respondent's license is REVOKED effective immediately.**

IT IS FURTHER ORDERED by the Insurance Commissioner that this Order is conditional. Unless the Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order shall become a **FINAL ORDER** on the thirty-first day following the date of mailing of this Order. Such request for hearing, if desired, shall be made in writing addressed to Julie Delluomo, Oklahoma Insurance Department, Legal Division, Post Office Box 53408, Oklahoma City, Oklahoma 73152-3408 and must be served on the Oklahoma Insurance Department within the thirty (30) days allotted. The proceedings on any 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 through 323.

WITNESS My Hand and Official Seal this 28th day of August, 2008.

KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA



Julie Delluomo

Julie Delluomo
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P.O. Box 53408
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CERTIFICATE OF MAILING

I, Julie Delluomo, hereby certify that a true and correct copy of the above and foregoing Emergency Revocation Order and Notice of Right to be Heard was mailed by certified mail, postage prepaid with return receipt requested, on this 28th day of August 2008, to:

Linda K. Stewart
9905 E. 118th Street S.
Bixby, Oklahoma 74008

and that a copy was delivered to:

Agents Licensing Division

and

Anti-Fraud Unit/Investigations Division



Julie Delluomo