

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

FEB - 5 2009

INSURANCE COMMISSIONER
OKLAHOMA

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

Petitioner,

v.

DERRICK SHOVENN MONTGOMERY, SR.
a licensed non-resident producer

Respondent.

Case No. 08-1863-DIS

**CONDITIONAL ADMINISTRATIVE 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. 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 fine up to \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code, 36 O.S. § 1435.13(A) and (D).

3. Respondent is licensed by the State of Oklahoma as a non-resident insurance producer holding license number 40043873.

ALLEGATIONS OF FACT

1. Respondent made application as a non-resident producer in Oklahoma on April 14, 2008. He stated “no” to the question, “Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?” “Crime” includes a misdemeanor, felony or military offense.

2. The Oklahoma Insurance Department received notification from Wells Fargo on December 18, 2008 that Respondent had entered into a Settlement Agreement with the State of New York for providing materially incorrect and untrue information on his original application for an agent’s license by failing to disclose that he was convicted of a misdemeanor in Minnesota on January 12, 2004.

3. Thereafter, the Oklahoma Insurance Department notified Respondent by letter on January 8, 2009, that he also provided incorrect, misleading and untrue information on his Oklahoma license application, in violation of 36 O.S. § 1435.13(A)(1). The Department offered to enter into a Consent Agreement fining Respondent \$500.00. Respondent failed to respond to the letter.

CONCLUSIONS OF LAW

1. Respondent has violated 36 O.S. § 1435.13(A)(1) by providing incorrect, misleading and untrue information on his Oklahoma license application.

ORDER

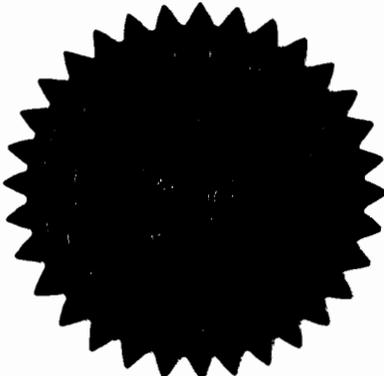
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner, subject to the following paragraph, that the Respondent violated 36 O.S. § 1435.13(A)(1) and as a result **Respondent is CENSURED AND FINED** in the amount of **FIVE**

HUNDRED DOLLARS (\$500.00). Fine to be paid within thirty (30) days of receipt of this Order.

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 Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first day following the date of mailing this Order. A request for hearing should be in writing addressed to Julie Delluomo, Oklahoma Insurance Department, Legal Division, Post Office Box 53408, Oklahoma City, Oklahoma 73152-3408. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under the Insurance Code and 75 O.S. § 250-323. If the 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 Allegations of Fact, Alleged Violations 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 6th day of February 2009.



KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

A handwritten signature in cursive script that reads "Julie Delluomo". The signature is written in black ink and is positioned above a horizontal line.

Julie Delluomo
Assistant General Counsel
P.O. Box 53408
Oklahoma City, Oklahoma 73152
Telephone: (405) 521-2746
Facsimile: (405) 522-0125

CERTIFICATE OF MAILING

I, Julie Delluomo, hereby certify that a true and correct copy of the above and foregoing Conditional Administrative Order and Notice of Right to be Heard was mailed by certified mail with postage prepaid and return receipt requested on this 6th day of February, 2009, to:

Derrick Shovenn Montgomery, Sr.
1356 Goodwin Ave., N.
Oakdale, MN 55128

CERTIFIED MAIL NO. 7006 2760 0005 6605 1630

and a copy was delivered to:

Leah Scoles
Agents Licensing Division



Julie Delluomo