BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF OKLAHOMA

FILED

DEC 23 2014

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN DOAK, Insurance Commissioner,	)	
Petitioner,	)	
v.	)	**Case No. 14-1168-DEN**
LINDA LORENE CARBIN, an applicant for a resident motor service club producer license,	)	
Respondent.	)	

CONDITIONAL ADMINISTRATIVE ORDER AND NOTICE OF RIGHT TO BE HEARD

COMES NOW the State of Oklahoma, ex rel. John Doak, Insurance Commissioner, by and through his attorney, Barron B. Brown, and alleges and states as follows:

JURISDICTION

1. John Doak 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 an applicant for a resident motor service club producer license in the State of Oklahoma. Respondent's address of record is 304 NW 90th, Oklahoma City, Oklahoma 73114.

3. 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).

ALLEGATIONS OF FACT

1. Respondent applied for a resident motor service club producer license on or about October 29, 2014 with the Oklahoma Insurance Department (OID). On the application form, question 1B asks the following: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?" Respondent answered "no" to this question.

2. The application provides that individual applicants can only exclude "the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license." Applicants are also permitted to "exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)."

3. An On Demand Court Records (ODCR) background check by the OID Licensing Division showed that Respondent had the following on her record in the State of Oklahoma: guilty pleas to criminal felony charges for possession of a controlled dangerous substance (cocaine), possession of drug paraphernalia, and possession of a controlled dangerous substance (marijuana), with each resulting in convictions, on July 23, 1992 (Oklahoma County, Case No. CF-1992-1673). Respondent did not disclose this prior criminal history in the license application.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 1435.13(A)(1); providing incorrect, misleading, incomplete or materially untrue information in the license application.

2. Respondent violated 36 O.S. § 1435.13(A)(6); having been convicted of a felony.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Linda Lorene Carbin is **FINED TWO HUNDRED DOLLARS ($200.00)** for providing incorrect, misleading, incomplete or materially untrue information in the license application and having been convicted of a felony. **The $200.00 fine is to be paid within thirty (30)** days made payable to the Oklahoma Insurance Department. The $200.00 civil fine shall be paid by money order or cashier's check. Respondent's application for a resident motor service club producer license may be granted upon receipt of payment of the fine and reporting of the administrative action. Failure to pay the civil fine or request a hearing within thirty (30) days will result in your license application being withdrawn.

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 Barron Brown, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112. 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 23rd day of December, 2014.

JOHN DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA

Barron B. Brown
Assistant General Counsel
3625 NW 56th St., Suite 100
Oklahoma City, OK 73112

CERTIFICATE OF MAILING

I, Barron B. Brown, 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 23rd day of December, 2014, to:

Linda Lorene Carbin
304 NW 90th
Oklahoma City, OK 73114

CERTIFIED MAIL NO. 7014 0150 0001 9589 0000

and a copy was delivered to:

Karen Wojtek
Licensing Division

Barron B. Brown
Barron B. Brown
Assistant General Counsel

7014 0150 0001 9589 0000

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CERTIFIED MAIL™ RECEIPT
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Street, Apt. No.; or PO Box No.

City, State, ZIP+4

Linda Lorene Carbin
304 NW 90th
Oklahoma City, OK 73114
rlg/14-1168-DEN/Cond. Adm. Ord.

PS Form 3800, August 2006

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
JAN 0 6 2015
Legal Division

Linda Lorene Carbin
304 NW 90th
Oklahoma City, OK 73114
rlg/14-1168-DEN/Cond. Adm. Ord.

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery 1/2/15

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7014 0150 0001 9589 0000

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540