

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

**STATE OF OKLAHOMA, ex rel.** )  
**JOHN DOAK, Insurance Commissioner,** )  
 )  
  **Petitioner,** )  
 )  
**vs.** )  
 )  
**FELIX F. HERRERA,** )  
 )  
 )  
  **Respondent.** )

**FILED**

FEB 24 2011

INSURANCE COMMISSIONER  
OKLAHOMA

Case No. 10-1329-UNI

**CONSENT ORDER**

The State of Oklahoma, ex rel. John Doak, Insurance Commissioner, and Respondent Felix Herrera, stipulate to the following facts and applicable laws. The parties consent to the entry of this Order.

**JURISDICTION AND AUTHORITY**

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., including the Oklahoma Producer Licensing Act, 36 O.S. §§ 1435.1 et. seq.

2. Herrera was formerly licensed as an insurance producer holding license 91992. Herrera's address of record with the Oklahoma Insurance Department is P.O. Box 851919, Yukon, Oklahoma.

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).

4. Informal disposition of this matter may be made by consent order 75 O.S. § 309(E).

#### **STIPULATION OF FACTS**

1. The Oklahoma Insurance Department (the "Department") received a complaint in 2010 that Felix F. Herrera ("Herrera") was selling, soliciting and negotiating insurance at the Charles T. Penwright Insurance Agency in Yukon, Oklahoma, subsequent to the revocation of his producer license in 2009. The Department opened an investigation in the matter.

2. On September 16, 2010, Investigator Landwert telephoned the Penwright Agency and asked for Felix Herrera. Landwert then asked Herrera for a quote for automobile insurance on a 2005 Toyota Prius. Herrera obtained the pertinent information to provide a quote such as the name of the driver, date of birth and Oklahoma driver's license number. Herrera also asked Landwert the coverage amount and the deductible amount. Herrera advised Landwert he would call her back with the quote of premium.

3. Herrera later called Landwert and stated the quote for a six month policy would be \$101.00 down, with \$461.00 remaining. The \$461.00 would be paid over a five month period if Landwert agreed to allow the funds to be directly drawn from her checking account. Herrera told her to think it over and then come see him.

4. On September 17, 2010, Investigators Miller and Landwert interviewed Herrera at the Charles Penwright Insurance Agency. Herrera did not dispute that his insurance producer license was revoked. Herrera told the investigators that Charles

Penwright signed all the policies and paid Herrera a percentage of the commissions received from the sales.

5. Charles Penwright was unaware that Herrera was unlicensed.

### **ALLEGED VIOLATIONS OF LAW**

1. Herrera's actions fall within the definition of "doing an insurance business in this State" pursuant to 36 O.S. § 6103.2. No person shall directly or indirectly do any of the acts of an insurance business set forth in § 6103.1 through 6103.11, except as provided by and in accordance with the specific authorization of statute. The above-cited conduct is in violation of 36 O.S. §§ 6103.2 and 6103.3.

2. Herrera violated 36 O.S. §§ 1435.4(B) by selling, soliciting and negotiating insurance without a license. Herrera violated 1435.14(B) by accepting a commission, service fee, brokerage or other valuable consideration for selling, soliciting or negotiating insurance in this state without a license. Such conduct is a violation of 1435.13(A)(2).

### **ORDER**

**IT IS THEREFORE ORDERED** by the Insurance Commissioner and agreed to by Herrera that a **ONE THOUSAND AND NO/100 DOLLAR (\$1,000.00) FINE** is imposed against Herrera and shall be paid to the Oklahoma Insurance Department. The payment, in the form of a cashier's check or money order, shall reference Herrera's case number 10-1329-UNI, and shall be sent concurrently with this Consent Order, to the attention of Julie Meaders, Assistant General Counsel. Petitioner agrees not to seek criminal prosecution, pursuant to 36 O.S. § 1435.26(A), against Herrera.

Herrera shall not make application for a producer license until one year from the

date of this Order. Granting approval of Herrera's future application is within the discretion of the Insurance Commissioner, pursuant to the Oklahoma Producer Licensing Act, 36 O.S. § 1435.13(A).

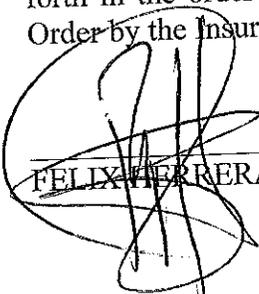
WITNESS My Hand and Official Seal on this 29<sup>th</sup> day of February, 2011.



  
LEAMON FREEMAN  
HEARING EXAMINER

**VERIFICATION AND CONSENT**

I, Felix Herrera, state that I have read this Consent Order. The contents and facts set forth in the order are true to the best of my knowledge. I consent to the entry of the Order by the Insurance Commissioner and I waive my right to appeal this Order.

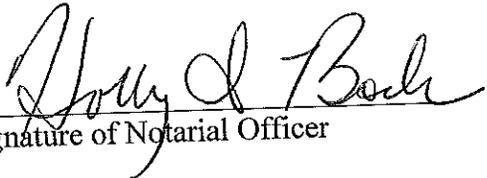
  
\_\_\_\_\_  
FELIX HERRERA

STATE OF OKLAHOMA  
COUNTY OF Oklahoma

This instrument was acknowledged before me on Feb. 15, 2011

by FELIX HERRERA



  
\_\_\_\_\_  
Signature of Notarial Officer

\_\_\_\_\_  
Title

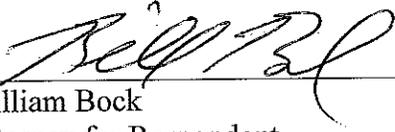
My commissions expires:  
Feb. 1, 2014

APPROVED:



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Julie Meaders  
Assistant General Counsel



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William Bock  
Attorney for Respondent

**CERTIFICATE OF MAILING**

I, Julie Meaders, hereby certify that a true and correct copy of the above and foregoing Consent Order was mailed on this 20~~th~~ day of February, 2011, to:

William Bock  
6402 N. Santa Fe Avenue  
Suite A  
Oklahoma City, OK 73116

and that a copy was delivered to:

Producer Licensing Division  
Anti-Fraud Division

  
\_\_\_\_\_  
Julie Meaders