

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

FEB 09 2022

INSURANCE COMMISSIONER
OKLAHOMA

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
LAMON DUVELL KIRKSEY,)
a resident producer,)
)
Respondent.)

Case No. 20-0341-DIS

FINAL ADMINISTRATIVE ORDER

This matter is a disciplinary proceeding under the Oklahoma Producer Licensing Act. 36 O.S. §§ 1435.1 et seq. On January 12, 2022, a show cause hearing was held at the Oklahoma Insurance Department (“OID”) on OID’s Notice of Hearing and Order to Show Cause (“Notice”), filed September 18, 2020 and amended December 1, 2021. The hearing was held at the offices of OID before Independent Hearing Examiner John Miller. Present at the hearing were Antuanya “Bo” DeBose, Assistant General Counsel for OID and April Moore for OID’s Anti-Fraud Division. Respondent Lamon Duvell Kirksey (“Respondent”) appeared in person and by counsel, Blair S. Hollaway.

Witnesses were sworn and testified, exhibits were admitted and argument of the parties heard.

FINDINGS OF FACT

1. That OID has jurisdiction over the subject matter of this action pursuant to 36 O.S. §§ 101-7401, including the Oklahoma Producer Licensing Act, 36 O.S. §1435.1 et seq.

2. That the Insurance Commissioner has the authority to render an Order concerning the above styled matter and has lawfully appointed Independent Hearing Examiner, John Miller, who shall sit as a quasi-judicial officer pursuant to *36 O.S. § 319*.

3. Respondent holds resident producer license number 81514 and is licensed by the State of Oklahoma. Respondent's address of record is 12917 Sue Ct., Oklahoma City, Oklahoma 73120.

4. 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 *36 O.S. § 1435.13(A) and (D)*.

5. Petitioner afforded Respondent an opportunity for hearing by sending the *Notice* by certified mail return receipt requested and by electronic mail on September 18, 2020 and December 1, 2021 to Respondent. The *Notice*, filed September 18, 2020 and December 1, 2021, stated the matters asserted, and stated the time, place and nature of the hearing, cited legal authority and jurisdiction, and referred to particular sections of the statutes involved.

6. The hearing was recorded electronically by an employee of the Oklahoma Insurance Department.

7. The following exhibits were introduced and admitted:

- a) Petitioner's Exhibit A: Farmers' Spreadsheet listing voided receipts;
- b) Petitioner's Exhibit B through B-38: Falsified Key Insurance Documents;
- c) Petitioner's Exhibit C: Lamon Kirksey's signed statement;
- d) Petitioner's Exhibit D: Kwala Whitaker's signed statement;
- e) Respondent's Exhibit 1: Affidavit of Kwala Whitaker; and,

f) Respondent's Exhibit 2: Letter from Nasser Janbay, M.D. on behalf of Lamon Kirksey.

8. The following witnesses were sworn and testified under oath:

- a) Brent Schuller, Farmers Investigator; and,
- b) April Moore, Investigator with OID.

9. On or about April 2, 2019, Farmers' Field Underwriting notified Farmers' Internal Audit that Respondent appeared to be falsifying auto prior insurance documents to qualify insureds for coverage in Farmers (**Testimony of Brent Schuller**).

10. Farmers initiated an investigation and assigned investigator Michael Vidal ("Investigator Vidal") to the case. The investigation revealed that Respondent either himself, or allowed staff member Kwala Whitaker to:

- a) Falsify at least thirty-eight (38) prior insurance documents in order to issue policies (**Testimony of Brent Schuller and Exhibit(s) B through B-38**); and,
- b) Submit at least twelve (12) fictitious payments to issue or reinstate twelve (12) policies without collecting the full premium due (**Testimony of Brent Schuller and Exhibit A**).

11. During his investigation, Investigator Vidal contacted Key Insurance Company ("Key") to determine the validity of the prior insurance documents. Staff with Key pointed out several discrepancies in the documents that led to Investigator Vidal's determination that the prior insurance documents were falsified (**Testimony of Brent Schuller**).

12. After reviewing all thirty-eight (38) policies issued based on falsified prior insurance documents, it was found the policies were written by the following User IDs:

- a) Agent Lamon Kirksey – fifteen (15) times; and,

b) Staff member Kwala Whitaker – two (2) times.

13. Farmers' agents are trained not to share their User IDs (**Testimony of Brent Schuller**).

14. After reviewing all twelve (12) improperly voided receipts, Farmers found the receipts were voided by the following user ID's:

a) Staff member Kwala Whitaker – seven (7) times; and,

b) Agent Lamon Kirksey – five (5) times.

15. When interviewed by Investigator Vidal, Respondent reported that he allowed his girlfriend to make his deposits. Respondent reported as soon as he learned the cash premiums were unaccounted for, he deposited the money, claiming his girlfriend forgot to make the deposit. Respondent agreed the prior verification of insurance documents were forgeries, but denied forging any documents himself, stating all the policies submitted under his User ID were written by staff member Kwala Whitaker. Respondent also reported he allowed Ms. Whitaker to use his User ID/password and that the twelve (12) improperly voided receipts were submitted by her. At the conclusion of the interview, Respondent signed a statement (**Testimony of Brent Schuller and Exhibit C**).

16. When interviewed by Investigator Vidal, staff member Kwala Whitaker reported the prior verification of insurance documents were forgeries, but denied forging them, reporting they were given to her by customers. Ms. Whitaker admitted she voided receipts to accept less than the required amount of payment to bind insurance. At the conclusion of the interview, Ms. Whitaker signed a statement (**Testimony of Brent Schuller, Exhibit D, and Respondent's Exhibit 1**).

17. Additionally, the investigation revealed Respondent was unable to account for thirteen (13) cash payments totaling \$2,759.17. Respondent deposited the thirteen (13) outstanding cash

payments within a day of Farmers' cash count, resulting in a full recovery of the \$2,759.17 in premium payments (**Testimony of Brent Schuller**).

18. On or about August 19, 2019, the Anti-Fraud Unit of the Oklahoma Insurance Department received an online complaint from Farmers alleging Respondent and his staff member Kwala Whitaker ("Whitaker") falsified verification of insurance documents, submitted fictitious payments to issue or reinstate policies without a valid payment and failed to remit customer cash premiums to Farmers. The Oklahoma Insurance Department assigned Investigator April Moore ("Investigator Moore") to the case (**Testimony of April Moore**).

19. Investigator Moore conducted an interview of Daniel Chavez, owner of Auto Insurance Center Agency, Inc. and showed him a sampling of nine (9) of the alleged falsified prior insurance documents. The prior insurance documents were allegedly provided by Auto Insurance Center Agency, Inc. for Key Insurance Company. Daniel Chavez reviewed the nine (9) prior insurance documents and determined they were falsified (**Testimony of April Moore**).

20. Investigator Moore conducted an interview of Respondent. During this interview, Respondent stated that the weekend of his birthday, he gave a deposit to his girlfriend, who forgot to take the deposit to the bank. Respondent also stated he shared his User ID and that the voided receipts and falsified prior insurance documents were submitted by staff member Kwala Whitaker (**Testimony of April Moore**).

CONCLUSIONS OF LAW

21. That OID has jurisdiction over this matter and Respondent pursuant to *36 O.S. § 1435.1 et seq.*

22. That Respondent is licensed by the OID as a resident producer pursuant to *36 O.S. § 1435.1 et seq.*

23. That Respondent was provided adequate notice and a hearing pertaining to the Notice of Hearing and Order to Show Cause filed on September 18, 2020 and December 1, 2021, in accordance with the Oklahoma Insurance Code and the Oklahoma Administrative Procedures Act.

24. Based upon the above provided findings of fact there is clear and convincing evidence to find that Respondent violated the following:

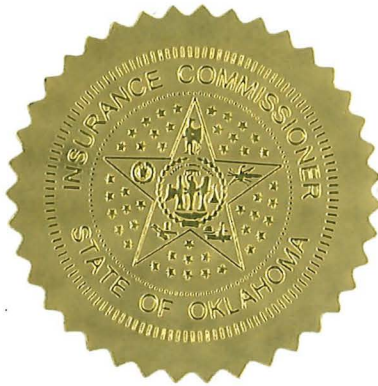
- a) *36 O.S. §1435.13(A)(4)* by improperly withholding thirteen (13) customer cash premium payments received in the course of doing insurance business, totaling \$2,759.17;
- b) *36 O.S. §1435.13(A)(8)* by submitting or allowing to be submitted thirty-eight (38) forged prior insurance documents in order to issue policies;
- c) *36 O.S. §1435.13(A)(8)* by submitting or allowing to be submitted at least twelve (12) fictitious payments to issue or reinstate twelve (12) policies without valid payment.

25. 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. In addition to or in lieu of any applicable denial, probation, censure, suspension or revocation of a license, a person may, after opportunity for hearing, also be subject to a civil fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each occurrence. Said penalty may be enforced in the same manner in which civil judgments may be enforced.

ORDER

IT IS THEREFORE ORDERED that Lamon Duvell Kirksey's resident insurance producer license number 81514 is hereby **SUSPENDED** for a period of sixteen (16) months, to run from September 18, 2020 until January 18, 2022. Respondent is ordered to pay the costs of the proceeding in the amount of **\$352.76** and is fined **\$5,000.00**. The Insurance Commissioner shall notify all appointing insurers of the suspension and shall notify the Central Office the National Association of Insurance Commissioners of Respondent's suspension.

Done this 9th day of February, 2022.





JOHN MILLER
INDEPENDENT HEARING EXAMINER
OKLAHOMA INSURANCE DEPARTMENT

CERTIFICATE OF MAILING

I, Antuanya "Bo" DeBose, hereby certify that a true and correct copy of the above and foregoing Final Administrative Order was mailed by first class U.S. Mail and by certified mail with postage prepaid and return receipt requested on this ____ day of January, 2022 to:

Lamon Duvell Kirksey
12817 Sue CT
Oklahoma City, Oklahoma 73120

CERTIFIED MAIL NO.
9214 8902 0982 7500 0439 99

Blair S. Hollaway
3801 NW 63rd Street, Building 4, Suite 200
Oklahoma City, Oklahoma 73116
P: 405-849-9149
blair.hollaway@gmail.com

CERTIFIED MAIL NO.
9214 8902 0982 7500 0440 02

and that a copy was delivered to:

Licensing Division



Antuanya "Bo" DeBose



**OKLAHOMA
INSURANCE
DEPARTMENT**

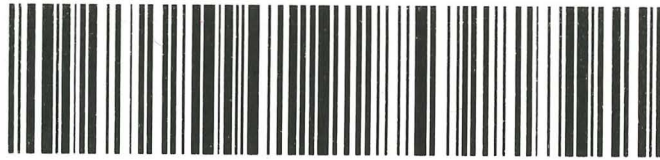
Legal Division
Insurance Commissioner Glen I
400 NE 50th St.
Oklahoma City, OK 73105

RECEIVED
OKLAHOMA INSURANCE DEPT
FEB 25 2022
LEGAL DIVISION

PLACE STICKER AT TOP OF ENVELOPE

CERTIFIED MAIL®

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9214 8902 0982 7500 0439 99

LAMON DUVELL KIRKSEY
12817 SUTE CT.
OKC, OK 73120

73105>1816

NEOPOST FIRST-CLASS MAIL

02/09/2022
US POSTAGE \$006.33

RECEIVED
OKLAHOMA INSURANCE DEPARTMENT
ZIP 73105
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FEB 25 2022
MAILROOM

1A

NIXIE 731 DE 1 0002/23/22

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

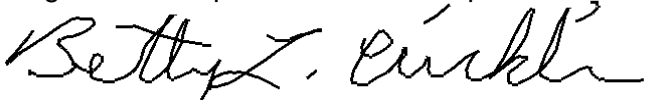
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Date Produced: 02/28/2022

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0439 99. Our records indicate that this item was delivered on 02/25/2022 at 05:06 p.m. in OKLAHOMA CITY, OK 73105. The scanned image of the recipient information is provided below.

Signature of Recipient : 
Betty L. Cricklin

Address of Recipient : 

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

LAMON DUVELL KIRKSEY
12817 SUTE CT.
OKC, OK 73120

Customer Reference Number: C3220720.18735109

Return Reference Number sms/20-0341-DIS (ASD)/Fin Admin Ord



Return address:

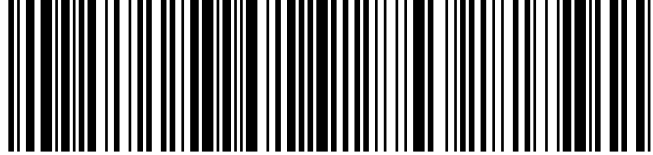
OKLAHOMA INSURANCE DEPARTMENT
5 CORPORATE PLAZA
OKLAHOMA CITY, OK 73112

Recipient address:

LAMON DUVELL KIRKSEY
12817 SUTE CT.
OKC, OK 73120

MAILING DATE: 02/09/2022
DELIVERY DATE: 02/25/2022

USPS CERTIFIED MAIL



9214 8902 0982 7500 0439 99

USPS Tracking Label Number: 9214 8902 0982 7500 0439 99

USPS Tracking History	Location	Date / Time
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SHIPMENT RECEIVED ACCEPTANCE PENDING	OKLAHOMA CITY,OK 73118	02/09/2022 15:55
ORIGIN ACCEPTANCE	OKLAHOMA CITY,OK 73105	02/09/2022 20:36
PROCESSED THROUGH USPS FACILITY	OKLAHOMA CITY OK DISTRIBUTION C 73107	02/09/2022 21:51
DEPARTED USPS REGIONAL FACILITY	OKLAHOMA CITY OK DISTRIBUTION C 73107	02/10/2022 08:04
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CASE NUMBER: 20-0341-DIS
DEPARTMENT: LEGAL/ASD
SENDER: SMS
CUSTOM 4: FINAL ADMINISTRATIVE ORDER

Date Produced: 02/14/2022

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0440 02. Our records indicate that this item was delivered on 02/10/2022 at 12:59 p.m. in OKLAHOMA CITY, OK 73116. The scanned image of the recipient information is provided below.

Signature of Recipient :

C19 16015


Address of Recipient :

3861 NW 65
#200

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United States Postal Service

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BLAIR S HOLLOWAY
STE 200 BLDG 4
3801 NW 63RD ST
OKLAHOMA CITY OK 73116-1936

Customer Reference Number: C3220720.18735110

Return Reference Number sms/20-0341-DIS (ASD)/Fin Admin Ord



Return address:

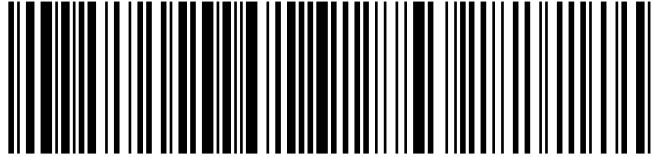
OKLAHOMA INSURANCE DEPARTMENT
5 CORPORATE PLAZA
OKLAHOMA CITY, OK 73112

Recipient address:

BLAIR S HOLLAWAY
STE 200 BLDG 4
3801 NW 63RD ST
OKLAHOMA CITY OK 73116-1936

MAILING DATE: 02/09/2022
DELIVERY DATE: 02/10/2022

USPS CERTIFIED MAIL



9214 8902 0982 7500 0440 02

USPS Tracking Label Number: 9214 8902 0982 7500 0440 02

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	OKLAHOMA CITY,OK 73105	02/09/2022 15:36
SHIPMENT RECEIVED ACCEPTANCE PENDING	OKLAHOMA CITY,OK 73118	02/09/2022 15:55
ORIGIN ACCEPTANCE	OKLAHOMA CITY,OK 73105	02/09/2022 20:36
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CASE NUMBER: 20-0341-DIS
DEPARTMENT: LEGAL/ASD
SENDER: SMS
CUSTOM 4: FINAL ADMINISTRATIVE ORDER