

FILED
FEB 17 2022
INSURANCE COMMISSIONER
OKLAHOMA

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

STATE OF OKLAHOMA, ex rel. GLEN)
MULREADY, Insurance Commissioner,)
)
Petitioner,)
v.)
)
BRADY NGUYEN,)
a resident producer,)
)
Respondent.)

Case No. 21-0410-DIS

FINAL ADMINISTRATIVE ORDER

This matter is a disciplinary proceeding under the Oklahoma Producer Licensing Act. 36 O.S. §§ 1435.1 et seq. On February 15, 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 January 18, 2022. 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 Rick Koch for OID’s Anti-Fraud Division. Respondent Brady Nguyen (“Respondent”) appeared pro se.

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 193546 and is licensed by the State of Oklahoma. Respondent's address of record is 7633 East 63rd Place, Suite 300, Tulsa, Oklahoma 74133.

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 January 18, 2022 to Respondent. The *Notice* 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:** Claim filed by Brady Nguyen with State Farm
- b) **Petitioner's Exhibit B :** Denial of Brady Nguyen's Progressive Claim
- c) **Petitioner's Exhibit C:** Brady Nguyen's Progressive Auto policy August 3, 2020
- d) **Petitioner's Exhibit D:** Brady Nguyen's Policy Change Confirmation
- e) **Petitioner's Exhibit E:** Brady Nguyen's Progressive Auto policy November 13, 2020
- f) **Petitioner's Exhibit F:** OID Conditional Administrative Order and Notice of Right to be Heard 17-0128-DIS

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

- a) Rick Koch, OID Anti-Fraud Investigator
- b) Brady Nguyen, Respondent

9. The Anti-Fraud Unit of OID received a referral from Progressive Group of Insurance Companies (Progressive) alleging Respondent filed a false claim on his personal auto policy. Investigator Rick Koch (“Investigator Koch”) was assigned to the case on behalf of the OID and opened an investigation. (*See Testimony of Rick Koch*).

10. Progressive assigned SIU Investigator Jerin Lyon (“Investigator Lyon”) to investigate this matter. Investigator Koch interviewed Investigator Lyon. (*See Testimony of Rick Koch*).

11. Progressive’s investigation revealed the following:

- a) Respondent filed a claim of loss on November 12, 2020 with State Farm Insurance Company (“State Farm”), stating he and a State Farm policyholder were backing out of a parking space and hit each other. State Farm was notified of the loss by their insured on the same day and denied the claim. (*See Testimony of Rick Koch and Petitioner’s Exhibit A*).
- b) At the time of the collision on November 12, 2020 (“The Collision”), Respondent only had liability coverage with Progressive. (*See Testimony of Rick Koch and Petitioner’s Exhibit C*).
- c) On November 12, 2020, after The Collision, Respondent added collision, comprehensive, rental reimbursement and roadside assistance coverage to his Progressive auto policy. (*See Testimony of Rick Koch, Petitioner’s Exhibit D and Petitioner’s Exhibit E*).

- d) On November 13, 2020, Respondent filed another claim of loss, this time under his own policy with Progressive, listing the same location as The Collision, but stated the claim was the result of a hit and run. (See Testimony of Rick Koch).
- e) After its investigation, Progressive determined Respondent filed the claim with a false date of loss and added coverage to his policy in an attempt to have coverage provide for an ineligible loss. Progressive denied Respondent's claim and referred the case to OID. (See Testimony of Rick Koch and Petitioner's Exhibit B).

12. Investigator Koch interviewed Respondent. During the interview, Respondent admitted to adding collision coverage to his policy after The Collision on November 12, 2020. Respondent admitted to Investigator Koch that the claim he filed with Progressive looks suspicious and expressed regret in filing it. (See Testimony of Rick Koch).

13. Respondent has prior administrative disciplinary actions with OID, including 17-0128-DIS. (See Testimony of Rick Koch and Petitioner's Exhibit F).

CONCLUSIONS OF LAW

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

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

16. That Respondent was provided adequate notice and a hearing pertaining to the Notice of Hearing and Order to Show Cause filed on January 18, 2022, in accordance with the Oklahoma Insurance Code and the Oklahoma Administrative Procedures Act.

17. 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)(8), using fraudulent and dishonest practices, and demonstrating untrustworthiness by filing a claim with Progressive listing a false date of loss. Specifically, Respondent filed a claim listing November 13, 2020 as the date of loss, when in fact the loss occurred on November 12, 2020 in an attempt to have coverage provided for an ineligible loss.

18. 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 Respondent Brady Nguyen's resident insurance producer license number 193546 is hereby **REVOKED**. Respondent is also **FINED** in the amount of **One Thousand Dollars** (\$1,000.00) and ordered to pay the costs of the proceeding in the amount of **One Hundred Thirty-Nine Dollars** (\$139.00). The Insurance Commissioner shall notify all appointing insurers of the revocation and shall notify the Central Office the National Association of Insurance Commissioners of Respondent's revocation.

Done this 16th 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 17th day of February, 2022 to:

Brady Nguyen
7633 East 63rd Place, Suite 300
Tulsa, Oklahoma 74133-1202

CERTIFIED MAIL NO:
9214 8902 0982 7500 0442 86

Brady Nguyen
7122 East 82nd Place
Tulsa, Oklahoma 74133-4161

CERTIFIED MAIL NO:
9214 8902 0982 7500 0442 93

and that a copy was delivered to:

Licensing Division and Anti-Fraud Division



Antuanya “Bo” DeBose



21-0410-Dis ASD
(Nguyen
7633 E 63rd)

Date Produced: 02/28/2022

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0442 86. Our records indicate that this item was delivered on 02/22/2022 at 12:02 p.m. in TULSA, OK 74133. The scanned image of the recipient information is provided below.

Signature of Recipient :
(Authorized Agent)

GTD 3361
B1 a9

Address of Recipient :

7633 E 63rd
300

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:

BRADY NGUYEN
STE 300
7633 E 63RD PL
TULSA OK 74133-1202

Customer Reference Number: C3238644.18844662



21-04110-015
(Nguyen ASD)
7122 EAST 82nd)

Date Produced: 02/28/2022

OKLAHOMA INSURANCE DEPARTMENT:

The following is the delivery information for Certified Mail™/RRE item number 9214 8902 0982 7500 0442 93. Our records indicate that this item was delivered on 02/22/2022 at 04:41 p.m. in TULSA, OK 74133. The scanned image of the recipient information is provided below.

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7122 E 82nd

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BRADY NGUYEN
7122 E 82ND PL
TULSA OK 74133-4161

Customer Reference Number: C3238732.18845164