

3. Respondent holds a resident producer license number 3000566545 and is licensed by the State of Oklahoma. Respondent's address of record is 2272 Sweet Home Road, Broken Bow, Oklahoma 74728.
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 first class U.S. mail on June 17, 2022 to Respondent. The *Notice*, filed on June 17, 2022, 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. Neither party requested a full stenographic record of the proceedings.
7. The following exhibit(s) were introduced and admitted:
 - a. Petitioner's Exhibit A: Email complaint from County Trash Services
 - b. Petitioner's Exhibit B: Colonial Life Account Information form with Tera Hamlin's allegedly forged signature
 - c. Petitioner's Exhibit C: Colonial Life documents with Tera Hamlin's allegedly forged signature
 - d. Petitioner's Exhibit D: Colonial Life Account Information form with example of Tera Hamlin's actual signature
 - e. Petitioner's Exhibit D-1: Colonial Life Account Information form with example

of Tera Hamlin's actual signature

- f. Petitioner's Exhibit D-2: Colonial Life Account Information form with example of Tera Hamlin's actual signature
 - g. Petitioner's Exhibit E: Letter to Colonial Life requesting cancellation of policies
 - h. Petitioner's Exhibit F: Respondent's Company Help Sheet
 - i. Petitioner's Exhibit G: Signed statement from Lacy Laster
 - j. Petitioner's Exhibit G-1: Signed statement from Sandra Pennington
 - k. Petitioner's Exhibit G-2: Signed statement from Larry Gragg
 - l. Petitioner's Exhibit G-3: Signed statement from Jacob Judd
 - m. Respondent's Exhibit 1: Signed statement from Jacob Judd
8. The following witnesses were sworn and testified under oath:
- a. Tera Hamlin, Complainant
 - b. Lacy Laster, County Trash Services employee
 - c. Rick Koch, OID Anti-Fraud Investigator
 - d. Jaycee Couture, Respondent's Wife
 - e. Kelly Matthew Couture, Respondent

9. The Oklahoma Insurance Department received a complaint from Tera Hamlin ("Hamlin"), the office manager for County Trash Services located in Broken Bow, Oklahoma. Hamlin states that Respondent met with employees of County Trash Services and forged their signatures in order to issue policies the employees did not request. The OID assigned Investigator Rick Koch ("Investigator Koch") to investigate the matter. (See Petitioner's Exhibit A, Testimony of Tera Hamlin, and Testimony of Rick Koch).

10. Investigator Koch interviewed Hamlin. Hamlin stated Respondent contacted her in regard to making a presentation to employees of County Trash Services. Hamlin was not at the office of County Trash Services on the day Respondent met with employees, however several documents purport to bear her signature. Hamlin states she did not sign any documents and that the signatures appearing on the documents are a forgery. Hamlin also states that her signature is misspelled on the documents and provided an example of her actual signature. (See Petitioner's Exhibit B, Petitioner's Exhibit C, Petitioner's Exhibit D, Testimony of Tera Hamlin, and Testimony of Rick Koch).

11. Another County Trash Services employee, Lacy Laster ("Laster"), was interviewed and stated she was present the day Respondent arrived and gave the presentation. Laster stated the Respondent gave the employees a form titled "Company Help Sheet" and had them fill the form out. This form contained all the information necessary to complete an insurance application. Laster stated the Respondent told County Trash Services employees to fill out the form even if they did not want coverage at that time and that the form would be used to complete applications if the employees decided they wanted coverage at a later date. Laster did not request any insurance products from Respondent, however later found out she was enrolled in a Colonial Life policy. Laster signed a statement regarding her encounter with Respondent. (See Petitioner's Exhibit G, Petitioner's Exhibit F, and Testimony of Lacy Laster.)

12. Following the date of Respondent's presentation, six (6) County Trash Services employees discovered they had either term life or dental policies from Colonial Life which they did not authorize. They discovered this after seeing a payroll deduction on their paycheck stub. Respondent took a payroll deduction form to County Trash Services'

payroll company without permission. (See Petitioner's Exhibit E, Petitioner's Exhibit G-1, Testimony of Tera Hamlin, Testimony of Lacy Laster, Testimony of Kelly Matthew Couture, and Testimony of Rick Koch.)

13. Hamlin collected signed statements from County Trash Services employees who received insurance products from Colonial Life that they did not request. (See Petitioner's Exhibit G, Petitioner's Exhibit G-2, Petitioner's Exhibit G-3, Petitioner's Exhibit G-4, Testimony of Tera Hamlin, Testimony of Lacy Laster, Testimony of Rick Koch.)

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 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*, in accordance with the Oklahoma Insurance Code and Oklahoma Administrative Procedures Act.

17. Based upon the 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)* demonstrating dishonest and untrustworthy practices by submitting policy applications for six (6) County Trash Services employees to Colonial Life and initiating payroll deductions for the premium payments without the employees' permission.
- b. *36 O.S. §1435.13(A)(10)* by forging Tera Hamlin's name on Colonial Life documents.

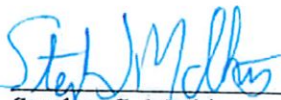
18. Pursuant to the provisions of 36 O.S. §1435.13, the Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew a license issued pursuant to the Oklahoma Producer Licensing Act or may levy a civil penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each occurrence. Said penalty may be enforced in the same manner in which civil judgements may be enforced.

ORDER

IT IS THEREFORE ORDERED that Respondent Kelly Matthew Couture's resident producer license number 3000566545 is hereby suspended for twelve (12) months from the date of this Order. Respondent is ordered to pay the costs of the proceeding in the amount of two hundred fifty dollars (\$250.00) and is fined Four Thousand dollars (\$4,000.00). The Insurance Commissioner shall notify all appointing insurers and shall notify the Central Office of the National Association of Insurance Commissioners of Respondent's suspension.

Dated this 31 day of August 2022.





Stephan S. Mathis
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 3rd day of August, 2022 to:

Kelly Matthew Couture
2272 Sweet Home Road,
Broken Bow, Oklahoma 74728
Kelly.couture@coloniallifesales.com

CERTIFIED MAIL NO:
9214 8902 0982 7500 0488 71

and that a copy was delivered to: Licensing and Anti-Fraud Division



Antuanya "Bo" DeBose

Oklahoma Insurance Department
Legal Division
400 N.E. 50TH Street
Oklahoma City, OK 73105

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