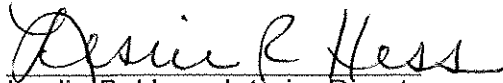


1 Respondent may appeal the final decision of the Interim Director to the Superior
2 Court of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an
3 appeal must notify the Office of Administrative Hearings of the appeal within ten days after
4 filing the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

5 DATED this 18th day of August, 2016.

6
7 
8 Leslie R. Hess, Interim Director
Arizona Department of Insurance

9
10 COPY of the foregoing mailed this
11 23rd day of August, 2016 to:

12 Aaron Gloskowski
13 c/o Healthplanone, LLC
14 13430 N. Black Canyon Hwy, Ste. 290
Phoenix, AZ 85029-1348
Respondent

15 Aaron Gloskowski
16 3096 E. Merrill Ave.
Gilbert, AZ 85234
Respondent

17 Aaron Gloskowski
18 2602 W. Hayward Ave.
Phoenix, AZ 85051
Respondent

19
20 Mary Kosinski, Executive Assistant for Regulatory Affairs
21 Catherine O'Neil, Consumer Legal Affairs Officer
22 Steven Fromholtz, Assistant Director – Consumer Protection Division
23 Gloria Barnes-Jackson, Supervisor – Consumer Protection Division
Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

24 Liane Kido
25 Assistant Attorney General
1275 West Washington Street
Phoenix, Arizona 85007-2926
26

1 Office of Administrative Hearings
1400 West Washington, Suite 101
2 Phoenix, Arizona 85007

3 *Maidene Scheiner*
4 Maidene Scheiner

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AUG 15 2016

DEPT. OF INSURANCE
BY: _____

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 16A-001-INS-res2

AARON GLOSKOWSKI
(Arizona License #1072650)
(National Producer #17224420)

ADMINISTRATIVE LAW JUDGE
DECISION

Respondent.

HEARING: July 28, 2016

APPEARANCES: Liane Kido, Attorney for the Department of Insurance; Gloria Barnes-Jackson, witness

ADMINISTRATIVE LAW JUDGE: Dorinda M. Lang

After issuing a Notice of Hearing and Complaint to Respondent, Arizona Department of Insurance established by the greater weight of the evidence that Respondent had violated Arizona law governing the practices of licensed insurance producers and that the law authorized the agency to revoke Respondent's license.

FINDINGS OF FACT

1. Respondent obtained Arizona License #1072650 as an accident/health, life, variable life/variable annuities, casualty, and property insurance producer from the Department of Insurance ("Department") on March 24, 2014. That license will expire on February 28, 2018.¹
2. On or about December 15, 2014, the Department received a notice of potential fraud regarding Respondent from Country Financial Insurance Company. The notice informed the Department that Respondent "may have knowingly answered questions incorrectly on his own life insurance policy application."² Attached to the notice was an excerpt from Respondent's life insurance policy application.

¹ See Exhibit 1.

² See Exhibit 2.

1 By his negative answers therein, Respondent had indicated that he had not
2 consumed alcoholic beverages in the last ten years, had not used any controlled
3 substances in the last ten years, had not been advised to limit his consumption
4 of alcohol or drugs, and had not sought re received treatment due to alcohol or
5 drug use.³ Unfortunately, the document is not dated.

- 6 3. An investigation into Respondent's history disclosed that, on March 22, 2011,
7 the Arizona Board of Osteopathic Examiners in Medicine and Surgery issued a
8 document entitled Finding of Fact, Conclusion of Law and Order for Revocation.⁴
9 It revoked Respondent's license to practice as an osteopathic physician due to
10 his failure to abide by a Consent Agreement. The Consent Agreement required
11 Respondent to submit to drug tests due to substance abuse.
- 12 4. The Department's investigation also found that Respondent's Certificate of
13 Registration, which authorized him to handle controlled substances, had been
14 revoked by the Department of Justice on October 7, 2011.⁵
- 15 5. The Department's investigation also revealed that on November 12, 2015,
16 criminal charges for possession or use of narcotic drugs and possession of drug
17 paraphernalia had been filed against Respondent by the State of Arizona.⁶
18 Respondent entered an initial appearance in that case on December 9, 2015.⁷
19 No evidence was presented to establish that Respondent ever notified the
20 Department of the charges.
- 21 6. The Department issued a Notice of Hearing and Complaint to Respondent,
22 setting the matter for a hearing with the Arizona Office of Administrative
23 Hearings and informing Respondent of the allegations against him and the
24 potential for disciplinary action against his insurance license.
- 25 7. Although the start of the hearing was delayed to give Respondent an opportunity
26 to appear, no one appeared on his behalf before or during the hearing.

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28 ³ *Ibid.*

29 ⁴ See Exhibit 4.

30 ⁵ See Exhibit 3.

⁶ See Exhibit 5.

⁷ See Exhibit 6.

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CONCLUSIONS OF LAW

1. This hearing was conducted in accordance with Arizona Revised Statutes ("A.R.S.") § 41-1092.01 *et seq.* The Department has the burden of proof and the standard of proof on all issues is by a preponderance of the evidence. See Arizona Administrative Code ("A.A.C.") R2-19-119.
2. As a licensee with the Department, it is a violation and cause for revocation for Respondent to make an intentional misrepresentation in an insurance application. A.R.S. § 20-295(A)(5).
3. It is also a violation and cause for revocation for Respondent to use fraudulent practices in the conduct of business in Arizona. A.R.S. § 20-295(A)(8).
4. Pursuant to A.R.S. § 20-463(A)(1)(a), it is fraudulent to knowingly provide incorrect information or fail to disclose any material facts in an insurance policy application.
5. The insurance policy application disclosed by Country Financial Insurance Company was redacted and included only one page of the insurance policy application. Without a date it is not possible to be certain regarding the issue of when Respondent submitted the application. However, because it is an insurance company and, according to the letter, Respondent had been hired as an agent, he could not have worked there prior to the date he was licensed, which was on March 24, 2014. The question is whether Respondent applied for the insurance policy when the statements he made in the application were true. In order for the statement that Respondent had not used controlled substances in the last 10 years to be true, the application would have had to have been submitted before 2008 or earlier, according to the statements in Exhibit 4, the decision of the Arizona Board of Osteopathic Examiners in Medicine and Surgery.⁸ However, the letter from Country Financial Insurance Company does not indicate that it had researched an earlier life insurance application from

⁸ Exhibit 4, page 3 of 15. Paragraph 15 states, "In September 2008, Dr. Gloskowski self-reported to the Board that he was going into in-patient treatment for a substance abuse problem . . ."

1 Respondent. It appears most likely that Respondent applied for a life insurance
2 policy as his own agent when he started the job. Although the fact was not
3 established with certainty, the standard of proof is a preponderance of the
4 evidence. Therefore, because it is more likely than not that Respondent
5 submitted false information in the life insurance application, it is established as a
6 finding of fact in the hearing record.

- 7 6. Having established that Respondent most likely submitted a false statement in
8 the life insurance application, the Department has also established that
9 Respondent violated A.R.S. §§ 20-295(A)(5) and 20-463(A)(1)(a). And because
10 it violates A.R.S. § 20-463(A)(1)(a), it is also a violation of A.R.S. § 20-295(A)(8)
11 because by submitting a fraudulent policy application as an insurance agent,
12 albeit for his own insurance, Respondent was conducting business.
- 13 7. A.R.S. § 20-301(B) requires Respondent to notify the Department within 30 days
14 of the initial appearance of any criminal charges filed against him. A.R.S. § 20-
15 295(A)(2) provides that it is a violation and cause for revocation to violate any
16 provision of Title 20 of the Arizona Revised Statutes. Therefore, by failing to
17 report the criminal charges filed against him by January 8, 2016, Respondent's
18 actions authorize the Department to revoke his license.
- 19 8. Even if the Department finds insufficient evidence to revoke Respondent's
20 license for his false statements in the life insurance application, it still has the
21 authority to revoke his license for failing to report the criminal charges against
22 him.

23 RECOMMENDED DECISION

24 Based on the foregoing considerations, the undersigned Administrative Law
25 Judge hereby recommends that Respondent's license (Arizona License #1072650)
26 (National Producer #17224420) be revoked.
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1 *In the event that the Administrative Law Judge Decision is certified by the Director of the*
2 *Office of Administrative Hearings, the effective date of the Order is the date of*
3 *certification.*

4
5 Done this day, August 12, 2016.

6 /s/ Dorinda M. Lang
7 Administrative Law Judge

8
9 Transmitted electronically to:

10 Leslie R. Hess, Interim Director
11 Arizona Department of Insurance
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