# STATE OF ARIZONA FILED

FEB 2 4 2017

1

2

3

6

5

8

9

7

10 11

12

13 14

15

16

17

18 19

20

2122

23

24

25

26

## STATE OF ARIZONA

DEPT OF INSURANCE BY

### DEPARTMENT OF INSURANCE

In the Matter of:

ROBINSON, JEFFREY SCOTT (Arizona License No. 972233) (National Producer No. 15902038)

No. 16A-066-INS

**ORDER** 

Respondent.

On February 15, 2017, the Office of Administrative Hearings, through Administrative Law Judge Velva Moses-Thompson, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on February 15, 2017, a copy of which is attached and incorporated by this reference. The Interim Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

- The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law.
- The Interim Director revokes the Arizona resident insurance producer license,
   No. 972233, of Jeffrey Scott Robinson effective immediately.

### **NOTIFICATION OF RIGHTS**

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondent may request a rehearing with respect to this order by filing a written motion with the Interim Director of the Department of Insurance within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to Superior Court.

Respondent may appeal the final decision of the Interim Director to the Superior 1 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 filing the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B). 4 DATED this 17 th day of Jebruary, 2017. 5 6 7 Veslie R. Hess, Interim Director Arizona Department of Insurance 8 9 COPY of the foregoing mailed this 24th day of Jehrmany 2017, to: 10 Jeffrey Scott Robinson 11 13418 E. Del Timbre Drive Scottsdale, Arizona 85259-6301 12 Respondent 13 Jeffrey Scott Robinson 14 P.O. Box 28936 Scottsdale, Arizona 85255-0165 15 Respondent 16 Mary Kosinski, Regulatory Legal Affairs Officer Catherine O'Neil, Consumer Legal Affairs Officer 17 Steven Fromholtz, Assistant Director - Consumer Protection Division Wendy Greenwood, Investigator 18 Arizona Department of Insurance 2910 North 44th Street, Suite 210 19 Phoenix, Arizona 85018 20 Liane Kido **Assistant Attorney General** 21 1275 West Washington Street Phoenix, Arizona 85007-2926 22 Office of Administrative Hearings 23 1400 West Washington, Suite 101 Phoenix, Arizona 85007 24 Maidene Scheiner

Maidene Scheiner 25

26

DEPT. OF INSURANCE

# FEB 1 5 2017

In the Matter of:

ROBINSON, JEFFREY SCOTT, (Arizona License Number 972233) (National Producer Number 15902038)

Respondent.

No. 16A-066-INS-res

ADMINISTRATIVE LAW JUDGE **DECISION** 

HEARING: January 26, 2017

APPEARANCES: Respondent did not appear. Liane Kido, Esq. appeared on behalf of the Arizona Department of Insurance.

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

ADMINISTRATIVE LAW JUDGE: Velva Moses-Thompson

### FINDINGS OF FACT

- On December 23, 2010, the Arizona Department of Insurance, (hereinafter 1. "Department"), issued an accident/health and life producer license to Respondent. The license expires on September 30, 2017.
- 2. Respondent's addresses of record with the Department were: 13418 E. Del Timbre Dr., Scottsdale, AZ 85259-6301 (business); and P.O. Box 28936, Scottsdale, AZ 85255-0165 (mailing).
- 3. On November 7, 2014, Charlotte Coffelt, (hereinafter "Ms. Coffelt"), informed the Department that Respondent sold her GAP Insurance by falsely asserting that she would be fined by the government if she failed to purchase GAP Insurance. Ms. Coffelt also stated that Respondent completed an application for GAP Insurance on her behalf, but Respondent failed to ask her any health related questions. Ms. Coffelt informed the Department that the application contained false information.
- 4. Ms. Coffelt paid a premium in the amount of \$52.16 which she believed was a one-time payment for GAP insurance coverage.

Office of Administrative Hearings 1400 West Washington, Suite 101 Phoenix, Arizona 85007 (602) 542-9826

2 3

1

4 5

6 7

8

9 10

11 12

13 14

15

16 17

18

19 20

21 22

23 24

26

25

27 28

29 30 13

10

16

23

26

30

- 5. When Ms. Coffelt received the application containing the false information, she refused to sign the application and stopped doing business with Respondent.
- 6. On or about February 18, 2016, the Department issued a subpoena duces tecum to Respondent, instructing Respondent to appear at the Department on March 8, 2016 at 9:00 a.m. and provide certain documents.
- 7. On March 1, 2016, Respondent contacted the Department. Respondent informed a Department investigator that the addresses of record were no longer valid. Respondent also told the investigator that he did not have any of the documents requested by the Department because he had disposed of them, and had no intention of returning to Arizona.
- 8. Respondent failed to appear at the Department on March 8, 2016. Respondent failed to provide any of the requested documents to the Department.
- The Department mailed the Notice of Hearing to Respondent at his business and mailing addresses of record.
- Although the beginning of the duly noticed hearing was delayed 20 10. minutes to allow Respondent additional travel time, he did not appear personally or through a duly authorized representative, contact the Office of Administrative Hearings to request a continuance or that the time for the hearing be further delayed, or present any evidence at the hearing to defend his accident/health and life producer's license.
- 11. The Department appeared through its attorney and presented the testimony of Gloria Barnes-Jackson.

### **CONCLUSIONS OF LAW**

- 1. This matter lies within the Department's jurisdiction.<sup>1</sup>
- 2. The Notice of Hearing that the Department mailed to Respondent at his address of record was reasonable, and Respondent is deemed to have received notice of the hearing.2

<sup>&</sup>lt;sup>1</sup> See A.R.S. §§ 20-281 to 20-302. <sup>2</sup> See A.R.S. §§ 41-1092.04; 41-1092.05(D).

- 3. This matter is a disciplinary proceeding wherein the Department must prove by a preponderance of the evidence that Respondent violated the State's Insurance Laws.<sup>3</sup>
- 4. The Department has established by a preponderance of the evidence that Respondent's conduct, as set forth above, constitutes the violation of any provision of A.R.S., Title 20, within the meaning of A.R.S. § 20-295(A)(2).
- 5. The Department has established by a preponderance of the evidence that Respondent intentionally misrepresented the terms of a proposed application for insurance within the meaning of A.R.S. § 20-295(A)(5).
- 6. The Department has established by a preponderance of the evidence that Respondent used dishonest practices and demonstrated untrustworthiness in the conduct of business in this state or elsewhere within the meaning of A.R.S. § 20-295(A)(8).4
- 7. Grounds exist for the Director of the Department to suspend, revoke, or refuse to renew the License, impose a civil penalty and/or order restitution pursuant to A.R.S. § 20-295(A) and (F).

### <u>ORDER</u>

Based upon the above, Respondent's License shall be revoked on the effective date of the Order entered in this matter.

In the event of certification of the Administrative Law Judge Decision by the Director of the Office of Administrative Hearings, the effective date of the Order will be five (5) days from the date of that certification.

Done this day, February 15, 2017.

/s/ Velva Moses-Thompson Administrative Law Judge

<sup>&</sup>lt;sup>3</sup> See A.A.C. R2-19-119.

<sup>&</sup>lt;sup>4</sup> Although the Department alleged in its notice of hearing that Respondent violated A.R.S. §20-286(C)(1) by failing to notify the director within thirty days of a change of business or mailing address, the Department's representative stated at the hearing that the Department was no longer pursuing the allegation.

Transmitted electronically to:

Leslie R. Hess, Interim Director Arizona Department of Insurance