

MAY 2 2017

STATE OF ARIZONA  
DEPT OF INSURANCE  
DEPARTMENT OF INSURANCE BY *MLS*

In the Matter of:

**HALIK, JENNIFER LESLIE**  
(National Producer No. 2678131)  
(Arizona License No. 1106814)

No. 17A-006-INS

**ORDER**

Respondent.

On April 25, 2017, the Office of Administrative Hearings, through Administrative Law Judge Velva Moses-Thompson, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Interim Director of the Department of Insurance ("Interim Director") on April 25, 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:

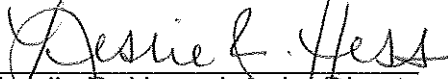
1. The Interim Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Interim Director revokes the Arizona resident insurance producer license, National Producer No. 2678131, of **Jennifer Leslie Halik** effective immediately.

**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.

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 28<sup>th</sup> day of April, 2017.

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

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11  
12  
13 COPY of the foregoing mailed this  
14 2<sup>nd</sup> day of May, 2017, to:

15 Jennifer Leslie Halik  
3570 Tahitian Dr.  
16 Lake Havasu City, AZ 86406-6379  
Respondent

17 Jennifer Leslie Halik  
18 P.O. Box 2191  
Big River, CA 92242  
19 Respondent

20 Mary Kosinski, Regulatory Legal Affairs Officer  
21 Catherine O'Neil, Consumer Legal Affairs Officer  
Steven Fromholtz, Assistant Director – Consumer Protection Division  
22 Aqueelah Currie, Licensing  
Arizona Department of Insurance  
23 2910 North 44th Street, Suite 210  
Phoenix, Arizona 85018

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

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

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APR 25 2017

DEPT. OF INSURANCE  
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 17A-006-INS

HALIK, JENNIFER LESLIE (Arizona  
License Number 1106814)  
(National Producer No 2678131),

ADMINISTRATIVE LAW JUDGE

Respondent.

DECISION

**HEARING:** April 5, 2017.

**APPEARANCES:** Respondent Jennifer Leslie Halik appeared on behalf of herself. Assistant Attorney General Liane C. Kido appeared on behalf of the Arizona Department of Insurance.

**ADMINISTRATIVE LAW JUDGE:** Velva Moses-Thompson

**FINDINGS OF FACT**

1. On February 28, 2017, the Arizona Department of Insurance, (hereinafter, "Department"), issued a Notice of Hearing setting the above-captioned matter for hearing at 1:00 p.m. on April 5, 2017.

2. The Department issued a resident accident/health, life, property and casualty insurance producer license to Respondent Jennifer Leslie Halik, (hereinafter "Ms. Halik"), Arizona license number 1106814. The license was effective March 19, 2015. The license expires on April 30, 2018.

3. Ms. Halik's business address of record with the Department is 3570 Tahitian Drive, Lake Havasu City, AZ 86406-6379. Ms. Halik's mailing address of record with the Department is P.O. Box 2191, Big River, CA 92242.

4. On April 8, 2016, an Administrative Law Judge of the California Office of Administrative Hearings issued a proposed decision to revoke Ms. Halik's resident license to act as a fire and casualty broker-agent. The licenses were issued by the Insurance Commissioner of the State of California.

1           5.     In the April 8, 2016 proposed decision, the Administrative Law Judge  
2 found that Ms. Halik committed fraud and misrepresentation against three clients,  
3 amongst other findings.

4           6.     On May 3, 2016, the California Department of Insurance issued an order  
5 adopting the April 8, 2016 proposed decision. The order became effective on or about  
6 June 2, 2016.

7           7.     Ms. Halik did not report the May 3, 2016 California Department of  
8 Insurance order, (hereinafter "California DOI Order"), to the Department within 30 days  
9 after the final disposition of the matter.

10          8.     The California DOI Order revoked Ms. Halik's California insurance  
11 producer licenses, ordered her to pay a civil penalty in the amount of \$20,000 within 30  
12 days of the effective date of the California DOI Order and prohibited her from  
13 participating in any manner in the insurance industry.

14          9.     On June 15, 2016, a pre-preliminary hearing was held in the Superior  
15 Court of California, San Bernardino County, Victorville Criminal Court in the People of  
16 the State of California v. Halik, Jennifer Leslie, Case Number FVI600272.

17          10.    Ms. Halik failed to report the criminal prosecution to the Department within  
18 30 days of the initial pretrial hearing date.

19          11.    At hearing, the Department presented the testimony of Steven Fromholtz,  
20 Licensing Supervisor at the Arizona Department of Insurance. Mr. Fromholtz testified to  
21 the above stated facts.

22          12.    Ms. Halik testified that she received the Proposed Decision and California  
23 DOI Order. Ms. Halik testified that she did not report the California DOI Order to the  
24 Arizona Department of Insurance because she did not believe that her license had been  
25 revoked. Ms. Halik testified that she voluntarily surrendered her license.

26          13.    Mr. Fromholtz testified that according to the April 8, 2016 proposed  
27 decision, the Commissioner is authorized through the California Department of  
28 Insurance to proceed with discipline against a former licensee within five years of lapse  
29 or surrender of his/her licensing rights, pursuant to Insurance Code 1743.

30          14.    In the April 8, 2016 proposed decision, the Administrative Law Judge  
found that Ms. Halik surrendered her insurance licenses on February 13, 2015.

1           15. Ms. Halik also testified that she did not report the pre-preliminary hearing  
2 to the Department because she had not been convicted or “fully charged.” Ms. Halik  
3 testified that effective April 21, 2017, the charges would no longer be a felony and would  
4 be dismissed.

5           16. Ms. Halik disputed the California Administrative Law Judge’s findings that  
6 she committed fraud and misrepresentation against her clients.

7   **CONCLUSIONS OF LAW**

8           1. The Department bears the burden of persuasion. A.R.S. § 41-  
9 1092.07(G)(2).

10           2. The standard of proof on all issues is that of a preponderance of the  
11 evidence. A.A.C. § R2-19-119.

12           3. A preponderance of the evidence is:

13                                   The greater weight of the evidence, not necessarily established  
14 by the greater number of witnesses testifying to a fact but by  
15 evidence that has the most convincing force; superior  
16 evidentiary weight that, though not sufficient to free the mind  
17 wholly from all reasonable doubt, is still sufficient to incline a fair  
18 and impartial mind to one side of the issue rather than the other.  
19 BLACK’S LAW DICTIONARY 1373 (10th ed. 2014).

20           4. The Department has established by a preponderance of the evidence  
21 that Respondent failed to report the California DOI Order to the Department within 30  
22 days after the final disposition of the matter, in violation of A.R.S. § 20-301(A).

23           5. The Department has established by a preponderance of the evidence that  
24 Ms. Halik failed to report the pre-preliminary hearing in the People of the State of  
25 California v. Halik, Jennifer Leslie, Case Number FV160072 within 30 days after the  
26 initial pretrial hearing date, in violation of A.R.S. § 20-301(B).

27           6. The Department has established by a preponderance of the evidence that  
28 Ms. Halik was found to have committed insurance fraud in violation of A.R.S. § 20-  
29 295(A)(7).

30           7. The Department has established by a preponderance of the evidence that  
Ms. Halik used fraudulent practices in the conduct of business in California, in violation  
of A.R.S. § 20-295(A)(8).

1 8. The Department has established by a preponderance of the evidence that  
2 Ms. Halik's California insurance licenses were revoked in violation of A.R.S. § 20-  
3 295(A)(9).

4 9. The Department has established by a preponderance of the evidence  
5 that Ms. Halik's conduct constitutes a violation of A.R.S. Title 20, within the meaning of  
6 A.R.S. § 20-295(A)(2).

7 10. Grounds exist for the Director of the Department to suspend, revoke, or  
8 refuse to renew the License, impose a civil penalty and/or order restitution pursuant to  
9 A.R.S. § 20-295(A) and (F).

10 **RECOMMENDED ORDER**

11 **IT IS ORDERED** that Respondent Jennifer Leslie Halik's License No. 1106814 is  
12 revoked.

13 *In the event of certification of the Administrative Law Judge Decision by the*  
14 *Director of the Office of Administrative Hearings, the effective date of the Order will be*  
15 *five days from the date of that certification.*

16 Done this day, April 25, 2017.

17  
18 /s/ Velva Moses-Thompson  
19 Administrative Law Judge  
20

21 Transmitted electronically to:

22 Leslie R. Hess, Interim Director  
23 Arizona Department of Insurance  
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