STATE OF ARIZONA FILED

JAN 2 9 2018

1

2

3

5

7 8

9

1011

12

13

14 15

16

17

18

19

20

21

22

2324

25

26

STATE OF ARIZONA

DEPT OF INSURANCE BY

DEPARTMENT OF INSURANCE

In the Matter of:

No. 17A-094-INS

SNYDER, JEFFREY GORDON,

ORDER

Petitioner.

On January 22, 2018, the Office of Administrative Hearings, through Administrative Law Judge Thomas Shedden, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Interim Director of the Department of Insurance ("Interim Director") on January 22, 2018, 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 denies Jeffrey Gordon Snyder's application for an Arizona insurance producer license.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Petitioner may request a rehearing with respect to this order by filling 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 Petitioner may appeal the final decision of the Interim Director to the Superior Court 2 of Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal 3 must notify the Office of Administrative Hearings of the appeal within ten days after filing 4 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B). DATED this 25^{11} day of January, 2018. 5 6 7 eslid R. Hess, Interim Director 8 Arizona Department of Insurance 9 COPY of the foregoing mailed this 29th day of January, 2018, to: 10 11 Jeffrey G. Snyder 12 c/o Liberty Mutual 14415 S. 50th St., #150 13 Phoenix, AZ 85044 Petitioner 14 Jeffrey G. Snyder 15 5991 W. Cielo Grande Glendale, AZ 85310 16 Petitioner 17 COPY sent same date via electronic mail to: 18 Jeffrey G. Snyder 19 JeffreyGSnyder@yahoo.com Petitioner 20 Petitioner 21 COPY delivered same date to: 22 Mary Kosinski, Executive Assistant for Regulatory Affairs Catherine O'Neil, Consumer Legal Affairs Officer 23 Steven Fromholtz, Asst. Dir., Consumer Protection Division Aqueelah Currie, Licensing Supervisor 24 Sharyn Kerr, Consumer Protection Division Arizona Department of Insurance 25 2910 North 44th Street, Suite 210 Phoenix, Arizona 85018

26

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

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

Maidene Scheiner
Maidene Scheiner

JAN 2.2 2018

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

DEPT. OF INSURANCE BY: M&K

In the Matter of the Application for Licensure of:

No. 17A-094-INS

Snyder, Jeffrey Gordon,

ADMINISTRATIVE LAW JUDGE DECISION

Petitioner.

HEARING: January 16, 2018

APPEARANCES: Jeffrey Gordon Snyder on his own behalf; Liane Kido, Esq. for the Department of Insurance

ADMINISTRATIVE LAW JUDGE: Thomas Shedden

FINDINGS OF FACT

- 1. On December 5, 2017, the Arizona Department of Insurance ("Department") issued a Notice of Hearing setting the above-captioned matter for hearing on January 16, 2018, at the Office of Administrative Hearings in Phoenix, Arizona.
- 2. The issue for hearing is Petitioner Jeffrey Gordon Snyder's appeal of the Department's denial of his application for a license.
- 3. Mr. Snyder appeared and testified on his own behalf. The Department presented the testimony of its licensing supervisor Aqueelah Currie.
- 4. On November 6, 2017, Mr. Snyder filed with the Department an application for an insurance license. In his application, Mr. Snyder disclosed that he had been found guilty of a felony.
- 5. On July 25, 2006, in Maricopa County Superior Court, Mr. Snyder pleaded guilty to Taking the Identity of Another, a class four felony. Mr. Snyder was sentenced to six months in jail, ordered to pay restitution of \$500, and was placed on probation for two years.
 - 6. Mr. Snyder was released from probation on June 17, 2009.

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

2

4

1

5 6

7

9

11 12

13

14 15

16 17

19 20

18

21 22

23 24

26 27

25

28 29

30

- 7. In a letter dated November 15, 2017, the Department informed Mr. Snyder that pursuant to ARIZ. REV. STAT. sections 20-295(A)(6) and (A)(8), without limitation, his application was denied.
- 8. Mr. Snyder's felony conviction resulted from his issuance of credit cards to fictitious people while he was working for the American Express Company.
- 9. Ms. Currie testified that the Department's concerns in this matter related to the fact that Mr. Snyder had committed his offense during the course of his employment and that as an insurance producer he would have access to the same type of personal information used to create the fictitious credit cards.
- 10. Mr. Snyder acknowledged his crime and that what he had done was wrong. Mr. Snyder testified that he had made an error in his application materials in that he had also been charged with theft, but that charge was dropped because he had paid back the money at issue.
- 11. Ms. Currie testified that the Department considers each matter on its own merits, but would typically expect about fifteen years to elapse between a felony conviction and granting a license. One factor the Department would consider is the applicant's work history and whether he had access to information of the same type he used to commit the crime.
- 12. Mr. Snyder testified to the effect that he has had jobs where he had access to credit information; this included working for TPP Marketing, where he handled the payroll, at a car dealership, and as a waiter.
- 13. Mr. Snyder presented no testimony from any character witnesses. And although Mr. Snyder had submitted into evidence letters of recommendation from TPP and the former general sales manager of the car dealership, neither letter made reference to his felony conviction.

CONCLUSIONS OF LAW

- 1. Mr. Snyder bears the burden of persuasion. ARIZ. REV. STAT. § 41-1092.07(G)(1).
- 2. The standard of proof on all issues in this matter is that of a preponderance of the evidence. ARIZ. ADMIN. CODE § R2-19-119.
 - 3. A preponderance of the evidence is:

The greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.

BLACK'S LAW DICTIONARY 1373 (10th ed. 2014).

- 4. Mr. Snyder has been convicted of a felony, the nature of which involved using fraudulent or dishonest practices and which demonstrated untrustworthiness in the conduct of business.
- 5. Consequently, the Department's Director has discretion to deny Mr. Snyder's application based on ARIZ. REV. STAT. sections 20-295(A)(6) and (A)(8).
- 6. Mr. Snyder has failed to demonstrate by a preponderance of the evidence that the Department's decision to deny his application should be overturned. Mr. Snyder's appeal should be dismissed.

ORDER

IT IS ORDERED that Jeffrey Gordon Snyder's appeal is dismissed.

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 is five days after the date of that certification.

Done this day, January 22, 2018

<u>/s/ Thomas Shedden</u> Thomas Shedden Administrative Law Judge

Transmitted electronically to:

Leslie R. Hess, Interim Director Arizona Department of Insurance