

MAY 28 2019

DEPT OF INSURANCE
BY MEK

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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

NGOYI, JANUARY
(National Producer Number 18556208)

Respondent.

No. 18A-109-INS

ORDER

On May 17, 2019, the Office of Administrative Hearings, through Administrative Law Judge Tammy L. Eigenheer, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on May 20, 2019, a copy of which is attached and incorporated by this reference. The Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

1. The Director adopts the Recommended Findings of Fact, Conclusions of Law and Recommended Order.
2. The Director revokes the Arizona resident insurance producer license of **January Ngoyi**, National Producer Number 18556208, 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 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 Director to the Superior Court of
2 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).

5 DATED this 28th day of May, 2019.

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8 
Keith A. Schraad, Director
Arizona Department of Insurance

9 **COPY** of the foregoing mailed this
10 30th day of May, 2019, to:

11 January Ngoyi
12 16404 N. Black Canyon Hwy, #100
13 Phoenix, AZ 85053
14 Respondent

15 January Ngoyi
16 2830 W. Keim Dr.
17 Phoenix, AZ 85017
18 Respondent

19 Office of Administrative Hearings
20 1740 West Adams St., Lower Level
21 Phoenix, Arizona 85007

22 **COPY** of the foregoing delivered, same date, to:

23 Mary Kosinski, Regulatory Legal Affairs Officer
24 Catherine O'Neil, Consumer Legal Affairs Officer
25 Steven Fromholtz, Assistant Director – Consumer Protection Division
26 Aqueelah Currie, Licensing Supervisor
Sharyn Kerr, Consumer Protection Division
Arizona Department of Insurance
100 North 15th Ave., Suite 102
Phoenix, Arizona 85007-2624

COPY sent same date via electronic mail to:

January Ngoyi
teletechcororatelicensing@teletech.com
Respondent

1 Deian Ousounov
Assistant Attorney General
2 AdminLaw@azag.gov
Attorney for the Department of Insurance
3

4 Felicia DelSol
Felicia.DelSol@azoah.com
5 Office of Administrative Hearings

6 Susan Hack
Susan.hack@azag.gov
7 Attorney General Paralegal

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9 *Francine Martinez*
Francine Martinez
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MAY 20 2019

DEPT. OF INSURANCE
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 18A-109-INS

Ngoyi, January
(National Producer No. 18556208)
Respondent

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARING: May 6, 2019

APPEARANCES: Respondent did not appear. The Arizona Department of Insurance was represented by Assistant Attorney General Deian Ousounov.

ADMINISTRATIVE LAW JUDGE: Tammy L. Eigenheer

FINDINGS OF FACT

1. At all times material to this matter, January Ngoyi (Respondent) was licensed by the Arizona Department of Insurance (Department).

2. On or about October 2, 2017, the Department issued Respondent a license to Respondent as an insurance producer, National Producer Number 18556208 (License), which expires on January 31, 2021.

3. Aqueelah Currie, Licensing Supervisor, testified that when an application for a license is received and processed, it is forwarded to the Arizona Department of Public Safety (DPS) for processing, which includes processing by the Federal Bureau of Investigation (FBI) for a criminal history background check to be conducted. The Department submits the completed fingerprint forms supplied by the applicant to DPS and DPS submits the fingerprint forms to the FBI for national processing.

4. On or about March 16, 2018, the Department issued a letter to Respondent by mail, informing him that his fingerprint card that was submitted during the application process for the License could not be processed and was returned by DPS as illegible. In that letter, the Department requested that Respondent submit a replacement set of fingerprints and the enclosed blank Illegible Fingerprint Replacement Form. The Department provided a deadline of April 6, 2018, for the

1 return of the completed replacement fingerprint form. Respondent did not reply to the
2 Department's request.

3 5. Because the Department did not receive the requested replacement
4 fingerprint form from Respondent as requested, the Department sent another letter to
5 Respondent dated April 17, 2018, giving Respondent a deadline of May 4, 2018, to file
6 with the Department an Illegible Fingerprint Replacement Form with a new set of
7 fingerprints or submit a Voluntary Surrender of Insurance License Form. The
8 Department indicated that the failure to respond to the letter would result in the
9 initiation of disciplinary action being taken against the License.

10 6. Ms. Currie testified that to date, Respondent had not responded to the
11 above-mentioned letters and had not submitted to the Department a new set of
12 fingerprints.

13 7. Respondent did not present any evidence to refute or rebut the evidence
14 presented by the Department.

15 **CONCLUSIONS OF LAW**

16 1. This matter is a disciplinary proceeding wherein the Department must
17 prove by a preponderance of the evidence that Respondent violated the State's
18 Insurance Laws. See A.A.C. R2-19-119.

19 2. During the application process, the Director of the Department required
20 Respondent to submit a full set of fingerprints and Respondent's illegible fingerprint
21 submission did not satisfy that requirement. See A.R.S. § 20-285(E)(2).

22 3. Respondent's conduct, as set forth above, constitutes a violation of
23 A.R.S. § 20-295(A)(1) by having failed to provide complete information in the license
24 application.

25 4. Respondent's conduct, as set forth above, constitutes the violation of any
26 provision of A.R.S., Title 20, within the meaning of A.R.S. § 20-295(A)(2).

27 5. Grounds exist for the Director of the Department to suspend, revoke, or
28 refuse to renew the License pursuant to A.R.S. § 20-295(A).

29 **ORDER**

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

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

6 Done this day, May 17, 2019.

7
8 /s/ Tammy L. Eigenheer
9 Administrative Law Judge

10 Transmitted electronically to:

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12 Keith A. Schraad, Director
13 Arizona Department of Insurance
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