

JUL 24 2019

DEPT OF INSURANCE  
BY MEK 7/24/19

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

**In the Matter of:**

**BLACK, EDWARD C.**  
(National Producer Number 18615343)

**Respondent.**

**No. 18A-117-INS**

**ORDER**

On July 19, 2019, the Office of Administrative Hearings, through Administrative Law Judge Thomas Shedden, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on July 22, 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:

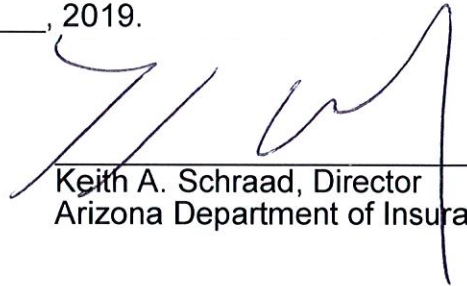
1. The Director adopts the Recommended Findings of Fact, Conclusions of Law and Recommended Order.
2. The Director revokes the Arizona resident insurance producer license of **Edward C. Black**, National Producer Number 18615343, effective immediately.

**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 23<sup>rd</sup> day of July, 2019.

6  
7  
8   
Keith A. Schraad, Director  
Arizona Department of Insurance

9 **COPY** of the foregoing mailed this  
10 25<sup>th</sup> day of July, 2019, to:

11 Edward C. Black  
12 2650 N. Oracle Road, #615  
13 Tucson, AZ 85709  
14 Respondent

15 Office of Administrative Hearings  
16 1740 West Adams St., Lower Level  
17 Phoenix, Arizona 85007

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

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

**COPY** sent same date via electronic mail to:

Edward C. Black  
[e b lack@yahoo.com](mailto:ebblack@yahoo.com)  
Respondent

Deian Ousounov  
Assistant Attorney General  
[AdminLaw@azag.gov](mailto:AdminLaw@azag.gov)  
Attorney for the Department of Insurance

1 Felicia DeISol  
[Felicia.DelSol@azoah.com](mailto:Felicia.DelSol@azoah.com)  
2 Office of Administrative Hearings

3 Susan Hack  
[Susan.hack@azag.gov](mailto:Susan.hack@azag.gov)  
4 Attorney General Paralegal

5

6   
7 Francine Martinez

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26



JUL 22 2019

DEPT. OF INSURANCE  
BY: MEK 7/22/19

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 18A-117-INS

Black, Edward C.  
(National Producer Number 18615343)

**ADMINISTRATIVE LAW JUDGE  
DECISION**

Respondent

**HEARING:** July 9, 2019

**APPEARANCES:** No one appeared for Respondent; Deian Ousounov, Esq. for the  
Department of Insurance

**ADMINISTRATIVE LAW JUDGE:** Thomas Shedden

**FINDINGS OF FACT**

1. On May 21, 2019, the Arizona Department of Insurance ("Department") issued a Notice of Hearing setting the above-captioned matter for hearing at 1:00 p.m. July 9, 2019.
2. No representative for Respondent Edward C. Black appeared at the scheduled time and the matter was convened in his absence at about 1:34 p.m.
3. On or about November 28, 2017, Respondent submitted to the Department an application for an insurance producer's license. On that date the Department issued to Respondent License No. 18615343, which is scheduled to expire on September 30, 2021.
4. With his application, Respondent included a copy of his fingerprints.
5. The Department forwarded Respondent's fingerprints the Arizona Department of Public Safety to obtain a state and federal criminal records check. Respondent's fingerprints were illegible and not of sufficient quality for use in conducting the criminal records check.
6. An applicant who submits illegible fingerprints is considered by the Department to have submitted an incomplete application.

1 7. In a letter dated March 16, 2018 that was sent to Respondent's mailing address  
2 of record, the Department informed Respondent that on or before April 6, 2018 he was  
3 required to submit to the Department a replacement set of fingerprints. With that letter,  
4 the Department included a blank fingerprint card, the appropriate form to complete, and  
5 a list of locations at which Respondent could be fingerprinted.

6 8. The Department did not receive from Respondent any response to its March 16,  
7 2018 letter.

8 9. In a letter dated April 17, 2018 that was sent to Respondent's mailing address  
9 of record, the Department informed Respondent that it was preparing to initiate an  
10 administrative action against his license because he had failed to submit a full set of  
11 fingerprints.

12 10. The Department's April 17, 2018 letter also informed Respondent that on or  
13 before May 4, 2018, he was required to submit the replacement set of fingerprints, or in  
14 the alternative, he could surrender his license.

15 11. Respondent did not submit a replacement set of fingerprints and he did not  
16 surrendered his license.

17 12. The Department requested that Respondent's license be revoked.

18 **CONCLUSIONS OF LAW**

19 1. The Department bears the burden of persuasion. ARIZ. REV. STAT. § 41-  
20 1092.07(G)(2).

21 2. The standard of proof on all issues is that of a preponderance of the evidence.  
22 ARIZ. ADMIN. CODE § R2-19-119.

23 3. A preponderance of the evidence is:

24 The greater weight of the evidence, not necessarily  
25 established by the greater number of witnesses testifying to a  
26 fact but by evidence that has the most convincing force;  
27 superior evidentiary weight that, though not sufficient to free  
28 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.

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

1 4. With his application, Respondent was required to submit to the Department a  
2 complete set of fingerprints. Respondent's submission of fingerprints did not satisfy this  
3 requirement because the quality was not sufficient for the Arizona Department of Public  
4 Safety to conduct the required state and federal criminal records check. See ARIZ. REV.  
5 STAT. § 20-285(E)(2).

6 5. Because Respondent did not submit fingerprints of sufficient quality, his  
7 application is incomplete, which is a violation of ARIZ. REV. STAT. section 20-295(A)(1).

8 6. Respondent's conduct constitutes a violation of ARIZ. REV. STAT., Title 20, which  
9 provides grounds for the Director of the Department to revoke Respondent's license.  
10 ARIZ. REV. STAT. § 20-295(A)(2).

11 **RECOMMENDED ORDER**

12 **IT IS ORDERED** that Respondent Edward C. Black's License No. 18615343 is  
13 revoked.

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

17 Done this day, July 19, 2019.

18  
19 /s/ Thomas Shedden  
20 Thomas Shedden  
21 Administrative Law Judge

22 Transmitted electronically to:

23  
24 Keith A. Schraad, Director  
25 Arizona Department of Insurance  
26  
27  
28  
29  
30