

SEP 26 2019

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY AS 9/26/2019

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In the Matter of:

WAPNICK, JACOB TYLER
(National Producer Number 18615318)

Respondent.

No. 18A-118-INS

ORDER

On September 19, 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 September 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.
- 3. The Director revokes the Arizona resident insurance producer license of **Jacob Tyler Wapnick**, National Producer Number 18615318, 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 25th day of September, 2019.

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Keith A. Schraad, Director
Arizona Department of Insurance

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15 **COPY** of the foregoing mailed by U.S. First-Class Mail
16 and Certified Mail, Return Receipt requested,
this 4th day of October, 2019, to:

17 Jacob Tyler Wapnick
18 3300 West Camelback Road
19 Phoenix, AZ 85004
Respondent

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

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

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

2 Deian Ousounov, Assistant Attorney General

3 AdminLaw@azag.gov

4 Attorney for the Department of Insurance

5 Susan Hack, Paralegal

6 Susan.hack@azag.gov

7 Office of the Attorney General

8 Felicia DelSol

9 Felicia.DelSol@azoah.com

10 Office of Administrative Hearings

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13 _____
14 Francine Martinez

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SEP 20 2019

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

DEPT. OF INSURANCE
BY: meck

In the Matter of:

Wapnick, Jacob Tyler
(National Producer No. 18615318)
Respondent

No. 18A-118-INS

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: September 17, 2019

APPEARANCES: Respondent Jacob Tyler Wapnick 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, Jacob Tyler Wapnick (Respondent) was licensed by the Arizona Department of Insurance (Department).

2. On or about November 28, 2017, the Department issued Respondent a license to Respondent as an insurance producer, National Producer Number 18615318 (License), which expires on March 31, 2021.

3. Mary Kosinski, Regulatory Legal Affairs Officer, 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 March 16, 2018, the Department issued a letter to Respondent by mail to his residence and mailing address, 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

1 Fingerprint Replacement Form. The Department provided a deadline of April 6, 2018,
2 for the return of the completed replacement fingerprint form. Respondent did not reply
3 to the Department's request.

4 5. Because the Department did not receive the requested replacement
5 fingerprint form from Respondent as requested, on April 17, 2018, the Department sent
6 another letter to Respondent at his business address giving Respondent a deadline of
7 May 4, 2018, to file with the Department an Illegible Fingerprint Replacement Form with
8 a new set of fingerprints or submit a Voluntary Surrender of Insurance License Form.
9 The Department indicated that the failure to respond to the letter would result in the
10 initiation of disciplinary action being taken against the License. That letter was
11 returned to the Department as undeliverable by the United States Postal Service.

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

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

17 **CONCLUSIONS OF LAW**

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

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

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

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

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

ORDER

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

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

7 Done this day, September 19, 2019.

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

11 Transmitted electronically to:

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