

APR 23 2019

STATE OF ARIZONA
DEPARTMENT OF INSURANCE
DEPT OF INSURANCE
BY MEK

In the Matter of:

ALEXANDER, EARL A.
(National Producer Number 18917419)

Respondent.

No. 19A-005-INS

ORDER

On April 22, 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 April 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 **Earl A. Alexander**, National Producer Number 18917419, 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 23rd day of April, 2019.

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9 Keith A. Schraad, Director
10 Arizona Department of Insurance

11 **COPY** of the foregoing mailed this
12 25th day of April, 2019, to:

13 Earl A. Alexander
14 14324 W. Desert Flower Dr.
15 Goodyear, AZ 85395
16 Respondent

17 Office of Administrative Hearings
18 1740 West Adams St., Lower Level
19 Phoenix, Arizona 85007

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

COPY sent same date via electronic mail to:

Earl A. Alexander
contact@primevalueproviders.com
Respondent

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

4 Susan Hack
5 Susan.hack@azag.gov
6 Attorney General Paralegal

7 
Francine Martinez

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APR 22 2019

DEPT. OF INSURANCE
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:
Earl A. Alexander
(National Producer No. 18917419)
Respondent

No. 19A-005-INS

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: April 2, 2019

APPEARANCES: Respondent Earl A. Alexander 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. On or about September 19, 2018, Earl A. Alexander (Respondent) submitted an application to the Arizona Department of Insurance (Department). Respondent answered "No" to question 1.B, which asks: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in juvenile court)."

2. Respondent answered "Yes" to the Attestation section of the application, which provides as follows: "I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties."

3. On or about October 5, 2018, the Department issued a license to Respondent as an insurance producer, National Producer Number 18917419 (License), which expires on May 31, 2022.

4. As a result of the background investigation, the Department discovered that on or about April 7, 2008, Respondent plead guilty to and was convicted of Theft of

1 Means of Transportation, a class 3 felony, before the Superior Court of Arizona,
2 Maricopa County, in case number C2007-135113.

3 5. Respondent's business and mailing address of record with the
4 Department was 14324 W. Desert Flower Dr., Goodyear, AZ 85395 and Respondent's
5 business email address of record was contact@primevalueproviders.com.

6 6. On or about February 4, 2019, the Department issued a Notice of Hearing
7 to Respondent via regular and certified mail to his address of record and to his email
8 address of record setting this matter for hearing at 1:00 p.m. on April 2, 2019. Although
9 the start of the hearing was delayed by 15 minutes, Respondent did not appear and did
10 not ask that the hearing be continued or delayed for any reason and did not request to
11 appear by telephone.

12 7. Aqueelah Currie, Licensing Supervisor, testified if an applicant does not
13 identify any issues in the application that would require further investigation, the
14 Department relies on the attestation that the answers provided were accurate and
15 issues a license pending the background investigation being returned.

16 8. Ms. Currie also testified that she attempted to contact Appellant by
17 telephone regarding the conviction, but Respondent never responded to her phone
18 calls. Ms. Currie indicated that, as of the date of the hearing, Respondent had not
19 contacted the Department concerning this issue.

20 9. Respondent did not appear at the hearing; therefore, he did not present
21 any evidence to refute or rebut the evidence presented by the Department.

22 **CONCLUSIONS OF LAW**

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

26 2. The copies of the Notice of Hearing that the Department sent to
27 Respondent at his address of record and at his email address of record were
28 reasonable and Respondent is deemed to have received notice of the hearing. A.R.S.
29 §§ 41-1092.04 and 41-1092.05(D).

1 3. Respondent's conduct, as described above, constituted a violation of
2 A.R.S. § 20-295(A)(1) by providing incorrect, misleading, incomplete, or materially
3 untrue information in the license application.

4 4. Respondent's conduct, as described above, constituted a violation of
5 A.R.S. § 20-295(A)(6) by having been convicted of a felony.

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

8 6. Further, Respondent's failure to appear at the hearing demonstrates that
9 he is not able to be regulated at this time.

10 **ORDER**

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

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 (5) days from the date of that certification.*

16 Done this day, April 22, 2019.

17
18 /s/ Tammy L. Eigenheer
19 Administrative Law Judge

20 Transmitted electronically to:

21 Keith A. Schraad, Director
22 Arizona Department of Insurance
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