

MAY 13 2019

DEPT OF INSURANCE
BY MEK

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

TODD, ADAM
(National Producer Number 18918047)

Respondent.

No. 19A-006-INS

ORDER

On May 7, 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 8, 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 **Adam Todd**, National Producer Number 18918047, 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 13th day of May, 2019.

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Keith A. Schraad, Director
Arizona Department of Insurance

11 **COPY** of the foregoing mailed this
12 14th day of May, 2019, to:

13 Adam Todd
14 1515 E Horseshoe Ave.
15 Gilbert, AZ 85296
16 Respondent.

17 Adam Todd
18 16404 N Black Canyon Hwy., Suite 100
19 Phoenix, AZ 85053
20 Respondent.

21 Office of Administrative Hearings
22 1740 West Adams St., Lower Level
23 Phoenix, Arizona 85007

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

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

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

2 Adam Todd
3 Zakiyyah.gordon@ttec.com
4 Respondent

5 Deian Ousounov
6 Assistant Attorney General
7 AdminLaw@azag.gov
8 Attorney for the Department of Insurance

9 Felicia DeISol
10 Felicia.DeISol@azoah.com
11 Office of Administrative Hearings

12 Susan Hack
13 Susan.hack@azag.gov
14 Attorney General Paralegal

15 *Francine Martinez*
16 Francine Martinez

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MAY 08 2019

DEPT. OF INSURANCE
BY: MEK

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 19A-006-INS

Adam Todd
(National Producer No. 18918047)
Respondent

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: April 18, 2019

APPEARANCES: Respondent Adam Todd appeared on his own behalf. The Arizona Department of Insurance was represented by Assistant Attorney General Deian Ousounov.

ADMINISTRATIVE LAW JUDGE: Tammy L. Eigenheer

FINDINGS OF FACT

1. On September 19, 2018, Respondent Adam Todd submitted to the Department an application (Application) for an Insurance License. Respondent provided a residence address of 1515 East Horseshoe Avenue, Gilbert, Arizona 85296 and a business and mailing address of 16404 North Black Canyon Highway Suite 100, Phoenix, Arizona 85083. Respondent provided a business and individual email address of zaklyyah.gordon@ttec.com. Respondent provided a residence and business phone number of 602-375-5048.

2. On the application, Respondent answered "no" to the following questions:

1A: Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?

1B: Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?

3. The Application provided the following attestation:

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.

1 evidence is such proof as convinces the trier of fact that the contention is more
2 probably true than not.”³

3 3. A.R.S. § 20-295(A) provides in pertinent part that:

4 The director may deny, suspend for not more than twelve months, revoke
5 or refuse to renew an insurance producer's license or may impose a civil
6 penalty in accordance with subsection F of this section or any
7 combination of actions for any one or more of the following causes:

8 1. Providing incorrect, misleading, incomplete or materially untrue
9 information in the license application.

10 4. Respondent was convicted of a felony that was later redesignated as a
11 misdemeanor. Whether Respondent was confused about if he had been convicted of a
12 felony or a misdemeanor for purposes of the application question, Respondent knew he
13 should have answered yes to one of the questions. That is to say, Respondent was
14 aware of the prior criminal conviction and that it was either a misdemeanor or a felony,
15 but could not believe it was neither.

16 5. Respondent failed to disclose his conviction and answered “No,” to the
17 relevant questions. The failure to disclose his conviction constitutes providing
18 incomplete, misleading or materially untrue information on an insure application
19 pursuant to A.R.S. § 20-295(A)(1). This failure to disclose also provides the
20 Department with grounds to revoke Respondent’s insurance license.

21 **RECOMMENDED ORDER**

22 Based on the foregoing, it is recommended that the Director of the Department
23 revoke Respondent’s insurance license.

24 *In the event of certification of the Administrative Law Judge Decision by the*
25 *Director of the Office of Administrative Hearings, the effective date of the Order will be*
26 *five days from the date of that certification.*

27 Done this day, May 7, 2019.

28 /s/ Tammy L. Eigenheer

29 ² See A.R.S. § 41-1092.07(G)(1); A.A.C. R2-19-119; see also *Vazanno v. Superior Court*, 74 Ariz. 369,
30 372, 249 P.2d 837 (1952).

³ MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

Administrative Law Judge

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Transmitted electronically to:
Keith A. Schraad, Director
Arizona Department of Insurance