

AUG 23 2019

DEPT OF INSURANCE
BY mek 8/23/19

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

DELGADO, FRANCISCO C.
(National Producer Number 18180749)

Respondent.

No. 19A-061-INS

ORDER

On August 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 August 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:

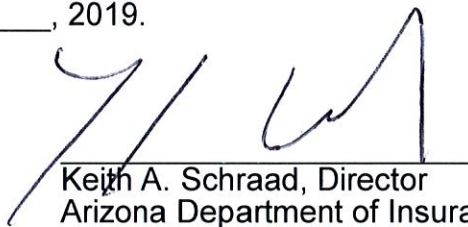
1. The Director adopts the Recommended Findings of Fact, Conclusions of Law and Recommended Order except to correct the reference to the license number in the Recommended Order from 118180749 to 18180749 which is presumed to be a typographical error because the license number is referenced correctly elsewhere throughout the Administrative Law Judge Decision.
2. The Director revokes the Arizona resident insurance producer license of **Francisco C. Delgado**, National Producer Number 18180749, effective immediately.

1 **NOTIFICATION OF RIGHTS**

2 Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondent may
3 request a rehearing with respect to this order by filing a written motion with the Director of
4 the Department of Insurance within 30 days of the date of this Order, setting forth the basis
5 for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary
6 to request a rehearing before filing an appeal to Superior Court.

7 Respondent may appeal the final decision of the Director to the Superior Court of
8 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal
9 must notify the Office of Administrative Hearings of the appeal within ten days after filing
10 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

11 DATED this 22 day of August, 2019.

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

15
16 **COPY** of the foregoing mailed this
17 26th day of August, 2019, to:

18 Francisco C. Delgado
4811 E. Thistle Landing Drive
19 Phoenix, AZ 85044
20 Respondent

21 Francisco C. Delgado
1400 Union Meeting Road, Suite 202
22 Blue Bell, PA 19422
23 Respondent

24 Francisco C. Delgado
303 E. South Mountain Ave., Lot 106
25 Phoenix, AZ 85042
26 Respondent

1 Office of Administrative Hearings
1740 West Adams St., Lower Level
2 Phoenix, Arizona 85007

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

4 Mary Kosinski, Regulatory Legal Affairs Officer
Catherine O'Neil, Consumer Legal Affairs Officer
5 Steven Fromholtz, Assistant Director – Consumer Protection Division
Aqueelah Currie, Licensing Supervisor
6 Sharyn Kerr, Consumer Protection Division
Arizona Department of Insurance
7 100 North 15th Ave., Suite 102
Phoenix, Arizona 85007-2624

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

9 Francisco C. Delgado
10 FRANCISCOCRASC@GMAIL.COM
Respondent

11 Deian Ousounov
12 Assistant Attorney General
AdminLaw@azag.gov
13 Attorney for the Department of Insurance

14 Susan Hack
15 Susan.hack@azag.gov
Attorney General Paralegal

16 Felicia DelSol
17 Felicia.DelSol@azoah.com
Office of Administrative Hearings

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Francine Martinez

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AUG 20 2019

DEPT. OF INSURANCE
BY: MEK 8/20/19

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 19A-061-INS

DELGADO, FRANCISCO C.,
(National Producer No. 18180749)

**ADMINISTRATIVE LAW JUDGE
DECISION**

Respondent

HEARING: July 31, 2019

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

ADMINISTRATIVE LAW JUDGE: Thomas Shedden

FINDINGS OF FACT

1. On June 18, 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 31, 2019 at the Office of Administrative Hearings.
2. Respondent Francisco C. Delgado did not appear at the scheduled time and the matter was convened in his absence at about 1:17 p.m.
3. The Department presented the testimony of Assistant Director Steven Fromholtz.
4. Mr. Delgado holds license No. 118180749. Mr. Delgado's license is due to expire on August 31, 2020.
5. Through a Sentencing Order dated February 22, 2019, Mr. Delgado was found guilty of shoplifting, a class 5 felony, and of organized retail theft, a class 4 felony.
6. Among other things, Mr. Delgado was sentenced to serve four years of supervised probation, and he was ordered to pay restitution of \$16,940.91 and \$9580 to two retailers.

1 7. Mr. Delgado did not report to the Department that he had been convicted of the
2 two felonies within thirty days of the convictions. The Department learned of the
3 convictions through a notification from the Superior Court.

4 8. The Department considers Mr. Delgado's criminal convictions to be of great
5 concern because insurance producers are in a position of trust and have access to
6 people's personal information, including social security numbers, and they often collect
7 premiums from people. In addition, in this case the nature of his convictions and the
8 amount of restitution raise additional concerns for the Department.

9 9. The Department requests that Mr. Delgado's license be revoked.

10 **CONCLUSIONS OF LAW**

11 1. The Department bears the burden of persuasion. ARIZ. REV. STAT. § 41-
12 1092.07(G).

13 2. The burden of proof at an administrative hearing falls to the party asserting a
14 claim, right or entitlement. The standard of proof is that of the preponderance of the
15 evidence. ARIZ. ADMIN. CODE § R2-19-119.

16 3. A preponderance of the evidence is:

17 The greater weight of the evidence, not necessarily
18 established by the greater number of witnesses testifying to a
19 fact but by evidence that has the most convincing force;
20 superior evidentiary weight that, though not sufficient to free
21 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.

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

23 4. Mr. Delgado was required to report to the Department that he had been
24 convicted of a felony within thirty days of the conviction, but did not do so, which is a
25 violation of ARIZ. REV. STAT. sections 20-301 and 20-295(A)(2), and grounds on which
26 the Department may discipline his license.

27 5. Mr. Delgado has been convicted of two felonies, for which the Department may
28 discipline his license. ARIZ. REV. STAT. § 20-295(A)(6).
29
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1 6. Considering the nature of Mr. Delgado's felony convictions and his failure to
2 appear at the hearing, Mr. Delgado's license should be revoked.

3 **ORDER**

4 **IT IS ORDERED** that Francisco C. Delgado's license number 118180749 is
5 revoked.

6 *In the event of certification of the Administrative Law Judge Decision by the Director of*
7 *the Office of Administrative Hearings, the effective date of the Order will be the date of*
8 *that certification.*

9 Done this day, August 19, 2019.

10
11 /s/ Thomas Shedden
12 Thomas Shedden
13 Administrative Law Judge

14 Transmitted electronically to:

15 Keith A. Schraad, Director
16 Arizona Department of Insurance
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