STATE OF ARIZONA FILED

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OCT 10 2019

DEPARTMENT OF INSURANCE BY 45 10/10/12019

In the Matter of:

Docket No. 19A-072-INS

HERNANDEZ, OMAR LEONARDO (National Producer No. 19075103)

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that Omar Leonardo Hernandez ("Respondent") violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true, and consents to the entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

- Omar Leonardo Hernandez ("Respondent") is licensed as an Arizona resident insurance producer with lines of authority in property and casualty insurance,
 National Producer Number 19075103. Respondent's license expires on September 30, 2022.
- 2. Respondent's addresses of record with the Department are: Ruth S. Flintoft, LLC, 17606 N. 59th Ave., Suite 2, Glendale, AZ 85308 (business) and P.O. Box 30507, Phoenix, AZ 85046 (mailing).

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- 3. On March 15, 2019, Respondent submitted an application for an Arizona insurance producer license ("Application") to the Department.
- 4. In the Application, under Background Questions, Respondent answered "No" to question 1a, which asks: "Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).
 - 5. Respondent signed the Attestation section of the Application.
- 6. The Federal Bureau of Investigations conducted a criminal history check of Respondent's fingerprint card and notified the Department that on or about March 3, 2003, the New York Bronx County Criminal Court convicted Respondent of Insurance Fraud in the fifth Degree, a Misdemeanor¹.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct, as described above, constitutes providing incorrect, misleading, incomplete or materially untrue information in the license application, within the meaning of A.R.S. § 20-295(A)(1).

¹ New York Penal Law § 176.10: A person is guilty of insurance fraud in the fifth degree when he commits a fraudulent insurance act. Insurance fraud in the fifth degree is a class A misdemeanor.

1	3. Grounds exist for the Director to suspend for not more than twelve months
2	or revoke Respondent's insurance producer license, pursuant to A.R.S. § 20-295(A).
3	ORDER
4	IT IS HEREBY ORDERED THAT:
5	Respondent shall pay a civil penalty of one hundred fifty dollars (\$150.00) to the
6	Department, due upon the submission of this Consent Order.
7	Effective this 9th day of October, 2019.
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9 10	Keith A. Schraad, Director Arizona Department of Insurance
11	/ / willend Department of modification
12	CONSENT TO ORDER
13	Respondent has reviewed the forgoing Findings of Fact, Conclusions of
14	Law and Order.
15	2. Respondent admits to the jurisdiction of the Director of Insurance, State of
16	Arizona, and admits the forgoing Findings of Fact and consents to the entry of the
17	forgoing Conclusions of Law and Order.
18	3. Respondent is aware of his right to notice and hearing at which he may be
19	represented by counsel, present evidence and examine witnesses. Respondent
20	irrevocably waives his right to such notice and hearing and to any court appeals relating
21	to this Consent Order.
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- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to him to induce him to enter this Consent Order and that he has entered into this Consent Order voluntarily.
- 5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against him and does not preclude any other agency, officer, or subdivision of this state including the Department from instituting civil or criminal proceedings as may be appropriate now or in the future not related to this matter.
- 6. Respondent acknowledges that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC). Respondent further acknowledges that he must report his administrative action to any and all states in which he holds an insurance license and must disclose this administrative action on any license application.

October 1,2019 Date

Omar Leonardo Hernandez, NPN 19075103

1	this <u>//+</u> day of <u>October</u> , 2019, to:
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3	Phoenix AZ 85046
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5	COPY delivered same date to:
6	Mary Kosinski, Regulatory Legal Affairs Officer
7	Ana Starcevik, Paralegal Project Specialist
8	Steven Fromholtz, Assistant Director for Consumer Protection Aqueelah Currie, Licensing Supervisor
9	Arizona Department of Insurance 100 N 15 th Ave. #102
10	Phoenix, Arizona 85007
11	COPY delivered electronically, same date to:
12	Omar Leonardo Hernandez hz_builder@yahoo.com
13	Respondent
14	Mancine Mortinez
15	Francine Martinez () 235440
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