

DEC 03 2019

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY AS 12/02/2019

In the Matter of:

MAZE-CARTER, DEANDRE RASHAWN
(National Producer No. 17472653)

No. 19A-079-INS

ORDER

Respondent.

On November 6, 2019, the Office of Administrative Hearings through Administrative Law Judge Jenna Clark issued an Administrative Law Judge Decision (“Recommended Decision”) received by the Director of the Arizona Department of Insurance (“Director”) on November 7, 2019, a copy of which is attached and incorporated by reference. The Director has reviewed the Recommended Decision and enters the following:

1. The Director adopts the Recommended Findings of Fact, Conclusions of Law and Recommended Order.
2. The Director orders that DeAndre Rashawn Maze-Carter’s insurance producer license number 17472653 is revoked, effective immediately.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes (“A.R.S.”) § 41-1092.09, Respondent may request a rehearing or review with respect to this Order by filing a written motion with the Director of the Department of Insurance within 30 days after the date of this Order, setting forth the basis for relief under Arizona Administrative Code 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 the 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 the
4 complaint commencing the appeal, pursuant A.R.S. § 12-904(B).

5 DATED this 2nd day of December, 2019.

6
7
8 
Keith A. Schraad, Director
Arizona Department of Insurance

9
10
11
12
13 **COPY** of the foregoing electronically transmitted
14 this 3rd day of December, 2019, to:

15 Jenna Clark, Administrative Law Judge
16 Office of Administrative Hearings
<https://portal.azoah.com/submission>

17 **COPY** of the foregoing **MAILED** same date by U.S. First-Class Mail
18 and Certified Mail, Return Receipt Requested to:

19 DeAndre Rashawn Maze-Carter
20 88 South Point Parkway East, Apt. #2096
21 Phoenix, AZ 85044-5789
Respondent

22 **COPY** of the foregoing delivered same date to:

23 Mary Kosinski, Regulatory Legal Affairs Officer
24 Ana Starcevic, Paralegal Project Specialist
25 Steven Fromholtz, Assistant Director for Consumer Protection
26 Wendy Greenwood, Investigator Arizona Department of Insurance
100 N 15th Ave. #102
Phoenix, Arizona 85007

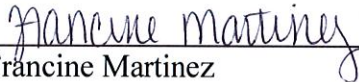
1 **COPY** of the foregoing electronically transmitted, same date, to:

2 DeAndre Rashawn Maze-Carter
3 deandrecarter@gmail.com

4 Respondent
Respondent

5 Deian Ousounov, Assistant Attorney General
6 Deian.Ousounov@azag.gov

7 AdminLaw@azag.gov
Attorney for the Arizona Department of Insurance

8
9 
Francine Martinez

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

NOV 07 2019

DEPT. OF INSURANCE

BY: AS 11/07/2019

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 19A-079-INS

DeAndre Rashawn Maze-Carter
(National Producer No. 17472653),
Respondent.

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: November 06, 2019 at 1:00 PM.

APPEARANCES: Assistant Attorney General Deian Ousounov, Esq. appeared on behalf of the Arizona Department of Insurance ("Department") with Wendy Greenwood as a witness. No appearance(s) by or on behalf of DeAndre Rashawn Maze-Carter ("Respondent"). Alexis Ortiz observed.

ADMINISTRATIVE LAW JUDGE: Jenna Clark.

After review of the hearing record in this matter, the undersigned Administrative Law Judge makes the following Findings of Fact and Conclusions of Law, and issues this RECOMMENDED ORDER to the Director of the Department.

FINDINGS OF FACT

BACKGROUND AND PROCEDURE

1. On January 12, 2015, National Producer Number 17472653 was issued to Respondent.¹ The license expired on December 31, 2018.² Respondent's address of record is 8809 S Pointe Pkwy E, Apt 2096, Phoenix, Arizona 85044-5789.³ Respondent's email address of record is deandrecarter@gmail.com.⁴

2. On or about July 09, 2018, Respondent's former employer, QBE, provided written notice to the Department that it had terminated Respondent's employment for cause.⁵ Specifically, while employed as a Customer Service Associate and Licensed Agent, Respondent falsified a Proof of Insurance document by modifying it to indicate

¹ See Department Exhibit 1.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ See Department Exhibit 2.

1 that he was the insured party and a client of the producer when he was neither.⁶ When
2 confronted, Respondent admitted his misconduct to his employer and alleged that he
3 had done so to satisfy his auto lender's requirement that he carry insurance, which he
4 claimed he could not afford.⁷

5 3. On February 20, 2019, the Department provided written notice via email
6 to Respondent that a complaint had been filed, and asked Respondent to update his
7 contact information with the Department and the National Association of Insurance
8 Commissioners.⁸ The email was not returned to the Department as undeliverable.

9 4. On March 26, 2019, the Department issued a subpoena to Respondent
10 which was sent via email and certified mail.⁹ The correspondence sent via certified mail
11 was returned to the Department on or about March 28, 2019, as undeliverable due to
12 insufficiency of address.¹⁰ The correspondence sent via email was not returned to the
13 Department as undeliverable.

14 5. Respondent did not respond to the Department's subpoena.

15 6. On September 12, 2019, the Department referred the matter to the Office
16 of Administrative Hearings ("OAH"), an independent state agency, for an evidentiary
17 hearing to determine whether grounds exist to discipline Respondent's insurance
18 producer's license, including suspension or revocation, pursuant to ARIZ. REV. STAT. §
19 20-295(A).

20 7. On September 23, 2019, the Department issued a NOTICE OF HEARING,
21 setting a hearing on November 06, 2019, at 1:00 p.m.¹¹

22 HEARING EVIDENCE

23 8. A hearing was held on November 06, 2019. The Department presented
24 the testimony of Wendy Greenwood, its Licensing Supervisor, and submitted fourteen
25 exhibits. The NOTICE OF HEARING was also admitted into the evidentiary record.
26 Respondent failed to appear.

27
28 ⁶ See Department Exhibits 2 and 3.

29 ⁷ See Department Exhibit 2.

30 ⁸ See Department Exhibit 4.

⁹ See Department Exhibit 5.

¹⁰ *Id.*

1 9. On or about July 09, 2018, QBE provided written notice to the
2 Department, along with forty-eight other jurisdiction and the District of Columbia where
3 Respondent was licensed, regarding Respondent's termination of employment.

4 10. During its investigation, the Department made several attempts to contact
5 Respondent. The Department called the apartment complex listed as Respondent's
6 address of record, but was informed that Respondent did not have a current tenancy
7 agreement there. The Department also called the telephone number on file for
8 Respondent, but the calls went to voicemail identified as belonging to someone named
9 "Brandon."

10 11. By the end of the Department's investigation, eight other states had
11 revoked Respondent's license and one other state had suspended Respondent's
12 license.¹²

13 12. All attempts the Department made to reach Respondent and obtain
14 additional information from him regarding this matter were unsuccessful.

15 13. Respondent never provided notice to the Department of any disciplinary
16 action that had been taken against his license(s) in other jurisdictions, within thirty-days
17 of each action.

18 14. Although the Department's emails reached Respondent's email address,
19 Respondent never responded to the Department's subpoena or provided updated
20 contact information.

21 CONCLUSIONS OF LAW

22 1. This matter lies with the Department's jurisdiction and was properly
23 brought before OAH for adjudication.¹³

24 2. The NOTICE OF HEARING the Department mailed to Respondent's address
25 of record is sufficient, and Respondent is deemed to have received notice of the
26 hearing in this matter.¹⁴

27
28 ¹¹ See NOTICE OF HEARING.

29 ¹² See Department Exhibits 6-14. By the date of the hearing four other states had revoked Respondent's
license in their jurisdictions as well.

30 ¹³ See ARIZ. REV. STAT. §§ 20-282 and 41-1092 et seq.

¹⁴ See ARIZ. REV. STAT. §§ 41-1092.04, 41-1092.05(D), and 41-1061(A).

1 3. The Department bears the burden of proof to establish that grounds exist
2 to take disciplinary action against Respondent's insurance producer license.¹⁵ The
3 standard of proof on all issues in this matter is that of a preponderance of the
4 evidence.¹⁶

5 4. A preponderance of the evidence is:

6 The greater weight of the evidence, not necessarily
7 established by the greater number of witnesses testifying to a
8 fact but by evidence that has the most convincing force;
9 superior evidentiary weight that, though not sufficient to free
10 the mind wholly from all reasonable doubt, is still sufficient to
11 incline a fair and impartial mind to one side of the issue rather
12 than the other.

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

14 5. ARIZ. REV. STAT. § 20-295(A)(8) includes among the grounds for
15 suspension, revocation, or other disciplinary action against an insurance producer's
16 license "[u]sing fraudulent, coercive or dishonest practices, or demonstrating
17 incompetence, untrustworthiness or financial irresponsibility in the conduct of business
18 in this state or elsewhere."

19 6. ARIZ. REV. STAT. § 20-295(A)(9) includes among the grounds for
20 suspension, revocation, or other disciplinary action against an insurance producer's
21 license "[h]aving an insurance producer license, or its equivalent, denied, suspended,
22 or revoked in any state, province, district, or territory."

23 7. ARIZ. REV. STAT. § 20-301(A) provides that "[w]ithin thirty days after the
24 final disposition of the matter, an insurance producer shall report to the director any
25 administrative action taken against the producer in another jurisdiction or by another
26 governmental agency in this state. The report shall include a copy of the order, or other
27 relevant dispositive document."

28 8. The material facts in this matter are not in dispute.

29 ¹⁵ See ARIZ. REV. STAT. § 41-1092.07(G)(2).

30 ¹⁶ See ARIZ. ADMIN. CODE R2-19-119; see also *Vazanno v. Superior Court*, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

1 9. Respondent's conduct, as set forth above and in the NOTICE OF HEARING,
2 constitutes a violation of ARIZ. REV. STAT. § 20-295(A)(8) for knowingly, willfully, and
3 intelligently engaging in fraud and financial irresponsibility under the guise of
4 conducting business in this state.

5 10. Respondent's conduct, as set forth above, constitutes a violation ARIZ.
6 REV. STAT. § 20-301(A) because he failed to provide notice to the department, within
7 thirty days of each final administrative action that his insurance producer's licenses had
8 been disciplined, and establishes grounds for the Department to revoke his license
9 under ARIZ. REV. STAT. § 20-295(A)(9).

10 11. Therefore, the undersigned Administrative Law Judge finds that the
11 Department has sustained its burden of proof in this matter.

12 12. Based on the foregoing, grounds exist for the Department's Director to
13 revoke Respondent's License pursuant to ARIZ. REV. STAT. § 20-295(A).

14 **RECOMMENDED ORDER**

15 **IT IS ORDERED** that on the effective date of the Department's FINAL ORDER
16 entered in this matter, Respondent's National Producer License No. 17472653 shall be
17 revoked.

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

21 Done this day, November 06, 2019.

22
23 /s/ Jenna Clark
24 Administrative Law Judge

25
26 Transmitted electronically to:

27 Keith A. Schraad, Director
28 Arizona Department of Insurance
29
30