

JAN 13 2020

DEPT OF INSURANCE
BY AS 01/13/2020

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

VICTOR, DAVID SYLVON
(NATIONAL PRODUCER NO. 17774371)

No. 19A-103-INS

Respondent.

ORDER

On January 6, 2020, 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 Arizona Department of Insurance ("Director") on January 6, 2020, a copy of which is attached and incorporated by this reference. The Director has reviewed the Recommended Decision and enters the following Order:

1. The Director adopts the Recommended Findings of Fact and Conclusions of Law, except to correct the following:

Page 1, line 24, should read: "On or about January 18, 2018."

2. The Director adopts the Recommended order and orders that David Sylvon Victor's insurance producer license number 17774371 is revoked, 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 January, 2020.

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Keith A. Schraad, Director
Arizona Department of Insurance

11 **COPY** of the foregoing electronically transmitted
12 this this 14th day of January, 2020, to:

13 Tammy L. Eigenheer, Administrative Law Judge
14 Office of Administrative Hearings
<https://portal.azoah.com/submission>

15 **COPY** of the foregoing mailed same date
16 by U.S. First-Class Mail and Certified Mail,
17 Return Receipt requested, to:

18 David Sylvon Victor
19 18 Emory Street
20 Attleboro, MA 02703
21 Respondent

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

23 Mary Kosinski, Regulatory Legal Affairs Officer
24 Ana Starcevic, Paralegal Project Specialist
25 Catherine O'Neil, Consumer Legal Affairs Officer
26 Steven Fromholtz, Assistant Director – Consumer Protection Division
Aqueelah Currie, Licensing Supervisor
Linda Lutz, Legal Assistant
Arizona Department of Insurance
100 North 15th Ave., Suite 261
Phoenix, Arizona 85007-2630

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

2 David Sylvon Victor
3 dvictor@gmail.com
4 Respondent

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

8 Felicia DelSol
9 Felicia.DelSol@azoah.com
0 Office of Administrative Hearings

1 *Francine Juarez*
2 _____
3 Francine Juarez

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JAN 06 2020

DEPT. OF INSURANCE
BY: AS 01/06/2020

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 19A-103-INS

VICTOR, DAVID SYLVON
(National Producer No. 17774371)
Respondent

ADMINISTRATIVE LAW JUDGE
DECISION

HEARING: December 17, 2019

APPEARANCES: Respondent David Sylvon Victor 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. At all times relevant to this matter, David Sylvon Victor (Respondent) was licensed by the Arizona Department of Insurance (Department) in Arizona as a non-resident insurance producer with lines of authority in property and casualty insurance. National Producer Number 17774371. Respondent's license was scheduled to expire on July 31, 2020.

2. On or about May 18, 2018, Amica Mutual Insurance Company ("Amica") notified the Department that Respondent had been terminated due to providing incorrect information on his license application and failing to disclose to Amica the administrative actions that had been taken against his license.

3. Upon investigation, the Department discovered the following administrative actions taken against Respondent in other jurisdictions:

- a. On or about January 8, 2018, the Washington Insurance Commissioner issued a Consent Order Rescinding Order Revoking License NO. 17-0457 and Levying a Fine for failing to timely report an administrative action by failing to respond to inquiries from the Insurance Commissioner.
- b. On or about March 1, 2018, the Louisiana Department of Insurance (LDOI) issued a Notice of Administrative Fine against Respondent for failure to report

1 other state administrative actions and assessed a fine against Respondent. On
2 or about July 12, 2018, the LDOI issued a Notice of Revocation Order Producer
3 License #734682 revoking Respondent's Louisiana insurance producer
4 license.

- 5 c. On or about April 30, 2018, the Commonwealth of Virginia, State Corporation
6 Commission, issued an Order Revoking License against Respondent which
7 revoked his Virginia non-resident insurance producer license for "providing
8 materially incorrect, misleading, incomplete or untrue information in the license
9 application filed with the Commission."
10 d. On or about May 22, 2019, the Office of the Commissioner of Insurance, State
11 of Wisconsin, issued an Order of Forfeiture and Order against Respondent for
12 failing to disclose a 1995 felony conviction for second degree robbery on his
13 license application and for failing to timely disclose the states of Washington
14 and Louisiana administrative actions against his license.
15 e. On or about July 19, 2018, the New Hampshire Insurance Department issued
16 a Revocation of Nonresident New Hampshire Insurance Producer License
17 letter revoking Respondent's non-resident insurance producer license upon
18 discovering that his Massachusetts insurance producer license was cancelled.
19 f. On or about September 21, 2018, the Indiana Commissioner of Insurance
20 issued the Final Entry against Respondent revoking immediately his "Indiana
21 nonresident producer's license" for failing to disclose a felony conviction on his
22 2017 license application and for failing to disclose other state's administrative
23 action.
24 g. On or about October 8, 2018, the Insurance Department of the State of
25 Delaware issued a Final Decision and Order against Respondent revoking his
26 non-resident insurance producer license because he "failed to report . . .
27 adverse administrative actions taken [in] other jurisdictions, and failed to
28 respond to the Department's regulatory inquiries."
29 h. On or about November 23, 2018, the Commissioner of the Department of
30 Insurance, State of Wyoming, entered a Default Order against Respondent for

1 failure to "plead or otherwise appear" which revoked his non-resident insurance
2 producer license.

- 3 i. On or about November 26, 2018, the State of Maine, Department of
4 Professional and Financial Regulation, Bureau of Insurance, issued a License
5 Revocation Notice, Order, and Opportunity for Hearing against Respondent
6 which revoked his "Maine nonresident insurance producer license" for failing to
7 disclose other state administrative actions.
- 8 j. On or about December 10, 2018, the State of Connecticut Insurance
9 Department issued an Order for Default Judgement and Order of Revocation
10 against Respondent which revoked his Connecticut insurance producer for
11 failing to disclose other state administrative actions.
- 12 k. On or about February 11, 2019, the Office of Commissioner of Insurance, State
13 of Georgia, issued a Notice of Order of License Revocation against
14 Respondent revoking his non-resident agent license effective March 4, 2019,
15 for concealing a felony conviction on his license application and for failing to
16 timely report other states' administrative actions.
- 17 l. On or about February 11, 2019, the California Department of Insurance issued
18 an Order of Summary Revocation revoking Respondent's license and licensing
19 rights, effective thirty (30) days from the date of the Order, for failing to disclose
20 other state administrative actions.

21 4. Respondent did not report any of the above administrative actions to the
22 Department within 30 days as required.

23 5. Respondent did not appear at the hearing; therefore, he did not present any
24 evidence to refute or rebut the evidence presented by the Department.

25 **CONCLUSIONS OF LAW**

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

29 2. The copies of the Notice of Hearing that the Department sent to Respondent
30 at his address of record and at his email address of record were reasonable and

1 Respondent is deemed to have received notice of the hearing. A.R.S. §§ 41-1092.04 and
2 41-1092.05(D).

3 3. Respondent's conduct, as described above, constituted having an
4 insurance producer license, or its equivalent, denied, suspended, or revoked in any state
5 province, district, or territory, within the meaning of A.R.S. § 20-295(A)(9).

6 4. Respondent's conduct, as described above, constituted failing to report,
7 within 30 days after the final disposition of the matter, any administrative action taken
8 against the producer in another jurisdiction, within the meaning of A.R.S. § 20-301(A).

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

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

13 **ORDER**

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

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

19 Done this day, January 6, 2020.

20
21 /s/ Tammy L. Eigenheer
22 Administrative Law Judge

23 Transmitted electronically to:

24 Keith A. Schraad, Director
25 Arizona Department of Insurance
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