On February 16, 2022, the Office of Administrative Hearings, through Administrative Law Judge Tammy L. Eigenheer, issued an Administrative Law Judge Decision ("Recommended Decision"). The Director of the Arizona Department of Insurance and Financial Institutions ("Director") received the Recommended Decision on the same date, 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.
2. The Director ADOPTS the Recommended Conclusions of Law.
3. The Director ADOPTS the Recommended Order and ORDERS that Francisco Lopez’s Arizona non-resident insurance producer license, number 16577813, 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 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.

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

DATED and EFFECTIVE this 22nd day of February, 2022.

Evan G. Daniels, Director
Arizona Department of Insurance and
Financial Institutions
COPY of the foregoing electronically transmitted this 23rd day of February, 2022, to:

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

COPY of the foregoing mailed by U.S. Certified Mail, Electronic Receipt Requested, same date to:

Francisco Lopez
401 Northwest Hwy, Apt. 4150
Irving, TX 75039-4198
Respondent 9489 0090 0027 6139 7889 76

COPY of the foregoing electronically delivered same date to:

Deian Ousounov, Regulatory Legal Affairs Officer
Catherine O’Neil, Consumer Legal Affairs Officer
Ana Starcevic, Paralegal Project Specialist
Steven Fromholtz, Division Manager
Aqueelah Currie, Licensing Supervisor
Linda Lutz, Legal Assistant
Dawn Lucero, Investigator (fm)
Wendy Greenwood, Investigations Manager
Arizona Department of Insurance and Financial Institutions
100 North 15th Avenue, Suite 261
Phoenix, Arizona 85007

COPY sent same date via electronic mail to:

Francisco Lopez
Flopes311@gmail.com
Respondent.

James Rolstead, Assistant Attorney General
James.Rolstead@azag.gov
AdminLaw@azag.gov
Attorney for the Arizona Department of Insurance and Financial Institutions

Ana Starcevic
IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of: FRANCISCO LOPEZ (National Producer No. 16577813) 
Respondent

No. 21A-092-INS
ADMINISTRATIVE LAW JUDGE DECISION

HEARING: January 27, 2022

APPEARANCES: Respondent Francisco Lopez did not appear. The Arizona Department of Insurance and Financial Institutions was represented by Assistant Attorney General Holly Wan.

ADMINISTRATIVE LAW JUDGE: Tammy L. Eigenheer

FINDINGS OF FACT

1. At all times relevant to this matter, Francisco Lopez (Respondent) was licensed by the Arizona Department of Insurance and Financial Institutions (Department) in Arizona as a non-resident insurance producer, National Producer Number 16577813, with lines of authority in casualty and property insurance. Respondent’s license was scheduled to expire on August 31, 2023.

2. Respondent’s business and mailing address of record with the Department was 401 Northwest Hwy., Apt. 4150, Irving, TX 75039-4198. Respondent’s business e-mail address of record with the Department was flopez311@gmail.com.

3. On or about October 13, 2020, Respondent’s Texas resident producer license became inactive and he no longer met the requirement of maintaining his resident license in good standing.

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

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a. On or about December 15, 2020, the Nebraska Department of Insurance issued a Recommended Order requiring Respondent to pay a fine of $1,000.00 within 90 days.

b. On or about February 9, 2021, the Kansas Insurance Department issued an Administrative Action against Respondent revoking his Kansas non-resident insurance producer license. Kansas' Administrative Action was based on Respondent’s voluntary surrender of his Texas resident insurance producer license and his failure to meet the requirement of maintaining his resident license in good standing.

c. On or about July 22, 2021, the California Department of Insurance issued an Order of Summary Revocation against Respondent revoking his California insurance producer license effective August, 2021. California's Order of Summary Revocation was based on Respondent’s the administrative actions taken against his license in Nebraska and Kansas and his failure to report them.

d. On or about August 26, 2021, the New Mexico Office of the Superintendent of Insurance issued a Final Order against Respondent revoking his New Mexico insurance producer license.

5. Respondent did not report any of the above administrative actions to the Department within 30 days of the final disposition of those actions as required.

6. On or about August 17, 2021, the Department sent a Consent Order proposing the revocation of his Arizona non-resident insurance producer license based on his failure to maintain his Texas resident licensed in good standing and his failure to report the administrative actions of the other states within 30 days of the final disposition of those actions. The Consent Order was sent to Respondent via certified mail to his address of record.

7. On or about September 2, 2021, the certified mail was returned by the United States Postal Service to the Department with a label stating, "Return to Sender / Not Deliverable as Addressed / Unable to Forward."
8. Respondent did not appear at the hearing; therefore, he did not present any evidence to refute or rebut the evidence presented by the Department.

**CONCLUSIONS OF LAW**

1. This matter is a disciplinary proceeding wherein the Department must prove by a preponderance of the evidence that Respondent violated the State’s insurance laws. See A.A.C. R2-19-119.

2. The copies of the Notice of Hearing that the Department sent to Respondent at his address of record and at his email address of record were reasonable and Respondent is deemed to have received notice of the hearing. A.R.S. §§ 41-1092.04 and 41-1092.05(D).

3. Respondent’s conduct, as described above, constituted failing to maintain his resident license in good standing in his home state of Texas within the meaning of A.R.S. § 20-287(A)(1).

4. Respondent’s conduct, as described above, constituted a violation of any provision under Title 20, or of any rule, subpoena, or order of the director within the meaning of A.R.S. § 20-287(A)(2), namely A.R.S. § 20-286(C)(1).

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

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

7. Grounds exist for the Director of the Department to suspend, revoke, or refuse to renew Respondent’s license pursuant to A.R.S. §§ 20-286(C)(1), 20-287(A)(1), 20-295(A)(2) and (9), and 20-301(A).

8. Further, Respondent’s failure to appear at the hearing further demonstrated that he cannot be regulated at this time.

**ORDER**

Based upon the above, Respondent’s License shall be revoked on the effective date of the Order entered in this matter.
In the event of certification of the Administrative Law Judge Decision by the Director of the Office of Administrative Hearings, the effective date of the Order will be five (5) days from the date of that certification.

Done this day, February 16, 2022.

/s/ Tammy L. Eigenheer
Administrative Law Judge

Transmitted electronically to:

Evan G. Daniels,
Department of Insurance and Financial Institutions - Insurance