

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

No. 22A-058-INS

GOULD, MARDY
(National Producer No. 19425499)

DEFAULT ORDER

Respondent

On November 29, 2022, the Arizona Department of Insurance and Financial Institutions (the "Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached as **Exhibit A** and incorporated by this reference. The Notice required Mardy Gould ("Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has failed to file an answer. On December 27, 2022, counsel for the Department filed a Motion for Default, a copy of which is attached as **Exhibit B**. As of this date, Respondent has not responded to the Department's motion. Pursuant to A.A.C. R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted.

FINDINGS OF FACT

1. Notice was proper.
2. Respondent is in default.
3. The allegations in the Notice are deemed admitted.

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CONCLUSIONS OF LAW

1. The conduct alleged in the Notice constitutes grounds for the Director to suspend, revoke or refuse to renew Respondent's license to transact insurance in Arizona, pursuant to A.R.S. §20-295(A).


ORDER

IT IS ORDERED:

1. The insurance producer license held by Respondent Mardy Gould is revoked effective upon the issuance of this Order.

2. The hearing set for **January 10, 2023 at 1:00 p.m.** shall be vacated.

DATED this **6th** day of January, 2023.



Evan G. Daniels, Director
Arizona Department of Insurance
and Financial Institutions

1 **COPY** of the foregoing electronically filed
this 9th day of January, 2023 to:

2
3 Kay Abramsohn, Administrative Law Judge
4 <https://portal.azoah.com/submission>
Office of Administrative Hearings

5 **COPY** of the foregoing emailed same date to:

6 Gio Espinosa, Regulatory Legal Affairs Officer
7 Deian Ousounov, Assistant Director
8 Ana Starcevic, Paralegal Project Specialist
9 Wendy Greenwood, Investigations Supervisor
10 Steven Fromholtz, Division Manager, Licensing
11 Arizona Department of Insurance and Financial Institutions

12 Mardy Gould
13 gouldg3@gmail.com
14 Respondent

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

18 **COPY** mailed by U.S. First Class and Certified Mail,
19 Return Receipt requested, the same date to:

20 Mardy Gould
21 1033 Larkspur Loop
22 Jacksonville, FL 32259
23 Respondent 9489 0090 0027 6486 6712 97

24 *Ana Starcevic*

Exhibit A

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**STATE OF ARIZONA
DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS**

In the Matter of:

GOULD, MARDY
(National Producer No. 19425499)

Respondent

Docket No. 22A-058-INS

**NOTICE OF HEARING AND
COMPLAINT**

(ALJ Kay Abramsohn)

DIRECTED TO:

Mardy Gould
1033 Larkspur Loop
Jacksonville, FL 32259
Respondent

YOU ARE HEREBY NOTIFIED that under Arizona Revised Statutes ("A.R.S.") §§ 20-161 and 41-1092.01, the above-captioned matter will be conducted through the Office of Administrative Hearings, an independent agency.

Date of Hearing:

January 10, 2023 at 1:00 p.m.

Location:

**Office of Administrative Hearings
1740 W. Adams St.
Lower Level
Phoenix, AZ 85007**

Information regarding procedures, practice pointers, or the online filing of motions is available through the Office of Administrative Hearings' website at www.azoah.com, or by calling their offices at (602) 542-9826.

1 The Office of Administrative Hearings has designated Kay Abramsohn at the address and
2 phone number listed above, as the Administrative Law Judge for these proceedings.

3 Under the Americans with Disabilities Act (ADA), the Office of Administrative Hearings
4 endeavors to ensure the accessibility of its hearings to all persons with disabilities. Persons with
5 disabilities may request reasonable accommodations such as interpreters, alternative formats, or
6 assistance with physical accessibility. Requests for accommodations should be made as far in
7 advance of the Hearing as possible to allow time to arrange the accommodations. If you require
8 accommodations, please contact the Office of Administrative Hearings by calling their offices at
9 (602) 542-9826.

10 Under Arizona Administrative Code ("A.A.C.") R2-19-106 and R2-19-110, motions to
11 continue this matter shall be made in writing to the Administrative Law Judge at least fifteen (15)
12 days before the Hearing date, unless good cause is demonstrated. A copy of any motion to
13 continue shall be filed and served according to A.A.C. R2-19-108, with a copy provided to the
14 Assistant Attorney General identified below.

15 You may appear on the date and at the time and place specified in this Notice of Hearing
16 ("Notice") with or without the assistance of counsel. An insurance company may be represented
17 by a corporate officer A.R.S. § 20-161(B). Additionally, you have the right to present evidence
18 in response to the allegations in this Notice, to have a reasonable opportunity to inspect all
19 documentary evidence, to examine witnesses, to present evidence in support of your interests,
20 and to have subpoenas issued by the Administrative Law Judge to compel the attendance of
21 witnesses and the production of evidence. If you fail to appear at the administrative hearing (the
22 "Hearing"), the Administrative Law Judge can proceed with the Hearing and issue a

1 Recommended Decision. The Director of the Arizona Department of Insurance and Financial
2 Institutions (the "Director") can then consider the Recommended Decision and make a final
3 determination on this matter.

4 Under A.R.S. § 41-1092.07(E), a clear and accurate record of the proceedings will be
5 made by a court reporter or by electronic means. Any party that requests a transcript of the
6 proceedings shall pay the cost of the transcript for the court reporter or other transcriber.

7 **Under A.A.C. R20-6-106, within twenty (20) days after service of a Notice of Hearing,**
8 **the Respondent shall appear by filing a written Answer to the allegations in the Notice. The**
9 **Answer shall state Respondent's position or defense and shall specifically admit or deny**
10 **each assertion in the Notice. Any allegation not denied shall be deemed admitted. Any**
11 **defense not raised will be considered waived. If a timely Answer is not filed, Respondent**
12 **may be deemed in default and the Director may deem the allegations in the Notice as true**
13 **and admitted. Accordingly, the Director may take whatever action is deemed appropriate.**

14 Pursuant to A.R.S. § 41-1092.06, the Respondent has the right to request an informal
15 settlement conference ("ISC") by filing a written request with the Arizona Department of
16 Insurance and Financial Institutions (the "Department") no later than **twenty (20) days** before
17 the scheduled hearing. The ISC will be held within **fifteen (15) days** after receiving the request.
18 If an ISC is requested, a person with the authority to act on behalf of the Department will be
19 present.

20 Please note that in requesting an ISC, Respondent waives any right to object to the
21 participation of the Department's representative in the final administrative decision of this matter.
22 Any statements, either written or oral, made by the Department, Respondent, or their

1 representatives at an ISC, including a written document created or expressed solely for the
2 purpose of settlement negotiations, are inadmissible in any subsequent administrative hearing.
3 See A.R.S. § 41-1092.06.

4 Questions concerning issues raised in this Notice of Hearing should be directed to
5 Assistant Attorney General James Rolstead, 2005 N. Central Ave., Phoenix, Arizona 85004,
6 telephone number (602) 542-7720 or by e-mail at James.Rolstead@azag.gov.

7 The purpose of the Hearing is to determine whether grounds exist to revoke Respondent's
8 insurance producer license. In support of its position that grounds exist, the Department alleges
9 the following:

10 **PARTIES & JURISDICTION**

11 1. The Department was created and enabled to administer certain laws of the State of
12 Arizona by protecting the public interest through licensure and regulation of the insurance
13 producer profession in this state. A.R.S. § 20-142 and A.R.S. §§ 20-281 *et seq.*

14 2. Mardy Gould ("Gould" or "Respondent") is a licensed Arizona non-resident
15 insurance producer, National Producer Number 19425499.

16 3. The Office of Administrative Hearings has subject matter and personal jurisdiction
17 over the named parties in this Notice of Hearing, under A.R.S. § 20-161 and A.R.S. §§ 41-1092
18 *et seq.*

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1 FACTS

2 4. On March 31, 2021, the Department issued to Gould an Arizona non-resident
3 insurance producer license with two lines of authority: (1) life, and (2) accident and health or
4 sickness insurance. Gould's license is scheduled to expire on March 31, 2025.

5 5. Gould's home state is Florida. His business and mailing address of record with the
6 Department is 1033 Larkspur Loop, Jacksonville, Florida 32259. His email address of record is
7 gouldg3@gmail.com.

8 6. On August 25, 2022, the Department's Administrative Enforcement Section
9 received an email from its Consumer Services Division indicating that a number of states had
10 revoked Gould's non-resident insurance license due to concerns regarding his marketing
11 practices of health plans.

12 National Association of Insurance Commissioner's State Licensing Report

13 7. On September 1, 2022, the Department reviewed the State Licensing Report
14 published on the National Association of Insurance Commissioner's (NAIC) website and found
15 the following information:

- 16 • Four states reported regulatory actions to the NAIC producer
17 database: California, Indiana, Nebraska and South Dakota.
- 18 • Two additional states, Mississippi and Wyoming, revoked
19 Gould's license but had yet to report the regulatory action to
NAIC's Regulatory Information Retrieval System.

20 2021 South Dakota Department of Labor and Regulation Order

21 8. On December 7, 2021, the South Dakota Department of Labor and Regulation
22 issued an order revoking Gould's non-resident insurance producer license based on allegations

1 of engaging in solicitation or negotiation of insurance business without licensure and using
2 misleading advertisements in South Dakota.

3 9. Gould did not report the South Dakota order to the Department within 30 days.

4 2022 Nebraska Department of Insurance Order

5 10. On February 25, 2022, the Nebraska Department of Insurance issued an order
6 revoking Gould's non-resident insurance producer license based on allegations of violating
7 Nebraska Laws and the Unfair Insurance Trade Practices Act by using fraudulent, coercive, or
8 dishonest practices.

9 11. Gould did not report the Nebraska order to the Department within 30 days.

10 2022 California Department of Insurance Order

11 12. On May 9, 2022, the California Department of Insurance issued an order revoking
12 Gould's non-resident insurance producer license based on his failure to report the South Dakota
13 and Nebraska administrative actions to the California Department of Insurance.

14 13. Gould did not report the California order to the Department within 30 days.

15 2022 Mississippi Insurance Department Order

16 14. On June 27, 2022, the Mississippi Insurance Department issued an order revoking
17 Gould's non-resident insurance producer license and imposed an administrative fine based on
18 allegations of using misleading advertisements and failing to report administrative actions taken
19 against his license in other states.

20 15. Gould did not report the Mississippi order to the Department within 30 days.

21 ///

22 ///

1 2022 Indiana Commissioner of Insurance Order

2 16. On June 28, 2022, the Indiana Commissioner of Insurance issued an order
3 suspending Gould's non-resident insurance producer license based on his failure to timely
4 respond to the Indiana Commissioner's request for a list of companies Gould held appointments
5 with in the past year.

6 17. Gould did not report the Indiana order to the Department within 30 days.

7 2022 Wyoming Department of Insurance Order

8 18. On August 18, 2022, the Wyoming Department of Insurance issued a Default Order
9 revoking Gould's non-resident insurance producer license and imposed a \$3,500 civil penalty.

10 19. Gould did not report the Wyoming order to the Department within 30 days.

11 2022 Utah Insurance Department Order

12 20. On August 17, 2022, the Utah Insurance Department issued an order revoking
13 Gould's non-resident insurance producer license based on allegations of using misleading
14 advertisements and failing to report administrative actions taken against his license in other states.

15 21. Gould did not report the Utah order to the Department within 30 days.

16 CONCLUSIONS OF LAW

17 22. The Director has jurisdiction over this matter.

18 23. Respondent's conduct, as described above, constitutes violating any provision of
19 Title 20, or any rule, subpoena or order of the Director, within the meaning of A.R.S. § 20-
20 295(A)(2).

1 24. Respondent's conduct, as described above, constitutes having an insurance
2 producer license, or its equivalent, denied, suspended or revoked in any state, within the meaning
3 of A.R.S. § 20-295(A)(9).

4 25. Respondent's conduct, as described above, constitutes failing to report to the
5 Director within 30 days after the final disposition of the matter, any administrative action taken
6 against the producer in another jurisdiction or by another governmental agency in this state, in
7 violation of A.R.S. § 20-301(A).

8 25. Grounds exist for the Director to suspend, revoke, or refuse to renew Respondent's
9 insurance producer license pursuant to A.R.S. §§ 20-295(A)(2), (A)(9) and 20-301(A).

10 THEREFORE, on the basis of the foregoing, the Department requests:

11 1. Respondent Mardy Gould's Arizona non-resident insurance producer license,
12 National Producer Number 19425499, be revoked under those statutes and rules cited, and any
13 other applicable statutes or rules.

14 DATED this 29th day of November, 2022.

15 *Gio Espinosa*

16 _____
17 Gio Espinosa, Regulatory Legal Affairs Officer
18 Arizona Department of Insurance and
19 Financial Institutions
20
21
22

1 **ORIGINAL** of the foregoing filed electronically
this 29th day of November, 2022, to:

2
3 Kay Abramsohn, Administrative Law Judge
4 <https://portal.azoah.com/submission>
Office of Administrative Hearings

5 **COPY** of the foregoing delivered
the 29th day of November, 2022, to:

6
7 Deian Ousounov, Assistant Director
8 Ana Starcevic, Paralegal Project Specialist
9 Steven Fromholtz, Licensing Division Manager
10 Wendy Greenwood, Investigations Supervisor
Arizona Department of Insurance and Financial Institutions
100 North 15th Avenue, Suite 261
Phoenix, Arizona 85007

11 **COPY** mailed the 29th day of November, 2022, by
Certified Mail, Return Receipt Requested, to:

12 (Receipt No. 9489 0090 0027 6486 6712 73)

13 Mardy Gould
1033 Larkspur Loop
Jacksonville, FL 32259
14 *Respondent*

15 **COPY** sent via electronic mail
the 29th day of November, 2022, to:

16
17 Mardy Gould
Gouldg3@gmail.com
Respondent

18
19 James Rolstead, Assistant Attorney General
James.Rolstead@azag.gov
AdminLaw@azag.gov
20 *Attorney for the Department*

21 *Ana Starcevic*
10784757

Exhibit B

1 MARK BRNOVICH
Attorney General
2 Firm Bar No. 14000

3 James Rolstead
State Bar No. 025723
4 Assistant Attorney General
Public Law Section
5 2005 N. Central Ave.
Phoenix, Arizona 85004
6 Telephone: (602) 542-7720
7 Facsimile: (602) 542-4385
E-mail: James.Rolstead@azag.gov
8 Attorney for the Arizona Department of Insurance
and Financial Institutions
9

10 STATE OF ARIZONA

11 DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

12 In the Matter of:

No. 22A-058-INS

13 **GOULD, MARDY**
14 (National Producer No. 19425499)

MOTION FOR DEFAULT

15 Respondent

16 The Arizona Department of Insurance and Financial Institutions (the "Department"),
17 by and through undersigned counsel, hereby requests that the Findings of Fact and
18 Conclusions of Law set forth in the Notice of Hearing and incorporated herein by reference
19 be entered in this matter, deeming Mardy Gould ("Gould") in default, deeming the
20 allegations set forth in the Notice as true, and ordering that Respondent's insurance license
21 be revoked.
22

23 On November 29, 2022, a Notice of Hearing and Complaint ("Notice") was filed in
24 this matter and served upon Gould at his mailing address of record via regular mail and
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1 certified mail pursuant to A.R.S. § 41-1092.04. The Notice was also sent to Gould via his e-
2 mail address of record.

3 Gould had twenty (20) days from the date of issuance of the Notice to file a written
4 answer to the allegations contained therein pursuant to Arizona Administrative Code
5 (“A.A.C”) R20-6-106. As of the date of this Motion, Gould has not filed an answer nor has
6 he appeared through counsel. Rule 20-6-106(D) of the Arizona Administrative Code
7 provides that if an answer is not timely filed, the Respondent shall be deemed in default and
8 the Director may deem the allegations set forth in the Notice of Hearing as true and take
9 whatever action is appropriate including revoking the license.
10

11 The allegations supporting the Notice of Hearing are as follows:

12 1. On March 31, 2021, the Department issued to Gould an Arizona non-resident
13 insurance producer license with two lines of authority: (1) life, and (2) accident and health
14 or sickness insurance. Gould’s license is scheduled to expire on March 31, 2025.
15

16 2. Gould’s home state is Florida. His business and mailing address of record
17 with the Department is 1033 Larkspur Loop, Jacksonville, Florida 32259. His email address
18 of record is gouldg3@gmail.com.
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20 3. On August 25, 2022, the Department’s Administrative Enforcement Section
21 received an email from its Consumer Services Division indicating that a number of states
22 had revoked Gould’s non-resident insurance license due to concerns regarding his marketing
23 practices of health plans.
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25 National Association of Insurance Commissioner’s State Licensing Report
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1 4. On September 1, 2022, the Department reviewed the State Licensing Report
2 published on the National Association of Insurance Commissioner's (NAIC) website and
3 found the following information:

- 4 • Four states reported regulatory actions to the NAIC producer
5 database: California, Indiana, Nebraska and South Dakota.
- 6 • Two additional states, Mississippi and Wyoming, revoked
7 Gould's license but had yet to report the regulatory action to
8 NAIC's Regulatory Information Retrieval System.

9 2021 South Dakota Department of Labor and Regulation Order

10 5. On December 7, 2021, the South Dakota Department of Labor and Regulation
11 issued an order revoking Gould's non-resident insurance producer license based on
12 allegations of engaging in solicitation or negotiation of insurance business without licensure
13 and using misleading advertisements in South Dakota.

14 6. Gould did not report the South Dakota order to the Department within 30
15 days.
16

17 2022 Nebraska Department of Insurance Order

18 7. On February 25, 2022, the Nebraska Department of Insurance issued an order
19 revoking Gould's non-resident insurance producer license based on allegations of violating
20 Nebraska Laws and the Unfair Insurance Trade Practices Act by using fraudulent, coercive,
21 or dishonest practices.
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23 8. Gould did not report the Nebraska order to the Department within 30 days.

24 2022 California Department of Insurance Order

1 9. On May 9, 2022, the California Department of Insurance issued an order
2 revoking Gould's non-resident insurance producer license based on his failure to report the
3 South Dakota and Nebraska administrative actions to the California Department of
4 Insurance.

5 10. Gould did not report the California order to the Department within 30 days.

6
7 2022 Mississippi Insurance Department Order

8 11. On June 27, 2022, the Mississippi Insurance Department issued an order
9 revoking Gould's non-resident insurance producer license and imposed an administrative
10 fine based on allegations of using misleading advertisements and failing to report
11 administrative actions taken against his license in other states.

12 12. Gould did not report the Mississippi order to the Department within 30 days.

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14 2022 Indiana Commissioner of Insurance Order

15 13. On June 28, 2022, the Indiana Commissioner of Insurance issued an order
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17 respond to the Indiana Commissioner's request for a list of companies Gould held
18 appointments with in the past year.

19 14. Gould did not report the Indiana order to the Department within 30 days.

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21 2022 Wyoming Department of Insurance Order

22 15. On August 18, 2022, the Wyoming Department of Insurance issued a Default
23 Order revoking Gould's non-resident insurance producer license and imposed a \$3,500 civil
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25 16. Gould did not report the Wyoming order to the Department within 30 days.
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2022 Utah Insurance Department Order

1
2 17. On August 17, 2022, the Utah Insurance Department issued an order revoking
3 Gould's non-resident insurance producer license based on allegations of using misleading
4 advertisements and failing to report administrative actions taken against his license in other
5 states.

6 18. Gould did not report the Utah order to the Department within 30 days.

CONCLUSIONS OF LAW

8 19. The Director has jurisdiction over this matter.

9
10 20. Respondent's conduct, as described above, constitutes violating any provision
11 of Title 20, or any rule, subpoena or order of the Director, within the meaning of A.R.S. §
12 20-295(A)(2).

13
14 21. Respondent's conduct, as described above, constitutes having an insurance
15 producer license, or its equivalent, denied, suspended or revoked in any state, within the
16 meaning of A.R.S. § 20-295(A)(9).

17 22. Respondent's conduct, as described above, constitutes failing to report to the
18 Director within 30 days after the final disposition of the matter, any administrative action
19 taken against the producer in another jurisdiction or by another governmental agency in this
20 state, in violation of A.R.S. § 20-301(A).

21
22 23. Grounds exist for the Director to suspend, revoke, or refuse to renew
23 Respondent's insurance producer license pursuant to A.R.S. §§ 20-295(A)(2), (A)(9) and
24 20-301(A).

1 Based upon the foregoing, the Department respectfully requests that the allegations set
2 forth in the November 29, 2022 Notice of Hearing and Complaint be deemed admitted and
3 that Respondent's insurance license be revoked.

4 RESPECTFULLY SUBMITTED this 27th day of December, 2022.

5 MARK BRNOVICH, Attorney General

6
7 By /s/ James Rolstead

8 James Rolstead, Assistant Attorney General
9 Attorney for the Arizona Department of Insurance
10 and Financial Institutions

11
12
13 **COPY** of the foregoing electronically filed this
14 27th day of December, 2022 with:

15 Gio Espinosa, Regulatory Legal Affairs Officer
16 Deian Ousounov, Assistant Director
17 Ana Starcevic, Paralegal Project Specialist
18 Steven Fromholtz, Division Manager, Licensing
19 Arizona Department of Insurance and Financial Institutions

20 **COPY** mailed and emailed same date to:

21 Mardy Gould
22 1033 Larkspur Loop
23 Jacksonville, FL 32259
24 Email: gouldg3@gmail.com
25 *Respondent*

26 /s/ S. Hack
10909168