

STATE OF ARIZONA
Department of Insurance and Financial Institutions
FILED _____, 2024 by MK

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

YOSVANI HERNANDEZ

(National Producer No. 20508348)

Respondent.

No. 24A-071-INS

CONSENT ORDER

The Arizona Department of Insurance and Financial Institutions (“Department”) has received evidence that Yosvani Hernandez (“Respondent”), violated provisions of Arizona Revised Statutes (“A.R.S.”) Title 20. 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

1. Respondent was at all material times licensed as an Arizona non-resident insurance producer, National Producer Number 20508348, with lines of authority in accident and health or sickness and life insurance. The Department first licensed Respondent on December 19, 2022. Respondent’s license is scheduled to expire on December 31, 2026.

2. Respondent’s mailing and business address of record with the Department is 1695 NW 110th Ave Doral, FL, and his email address is depicgroup@gmail.com.

3. On or about February 8 and 28, 2024, the Department received multiple

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records to the Department's subsequent requests for additional records.

- f) On the same date March 22, 2024, Respondent provided a response regarding J.R.'s application stating that "[u]pon reviewing the call record ... it appears that Mr.[R] did indeed express his intent to enroll for the 2024 year during our conversation in early December. Additionally, he authorized me to proceed with the enrollment"
- g) On or about March 29, 2024, Respondent provided a screenshot of the "call log" showing a call from Respondent's telephone number to J.R.'s telephone number dated December 2, 2023. It was unclear if the "call log" was created by Respondent or if it was a partial representation of the phone service provider's log since it only showed information for only one call. Respondent failed to provide any additional records to the Department's subsequent requests for additional records.

Complaint No. 62851

- h) On or about February 28, 2024, the Department received a complaint from M.L. alleging that on February 1, 2023, Respondent enrolled her in an Aetna health insurance plan through the Federal Health Insurance Marketplace ("Insurance Marketplace") without her knowledge and consent. M.L. stated that, at that time, she had a health insurance plan through the Arizona Health Care Cost Containment System. In 2024 M.L. enrolled in a Blue Cross Blue Shield health insurance plan but later she received a cancellation notice and a notice that she was again enrolled in an Aetna health insurance plan. The

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Insurance Marketplace records showed Respondent as the agent of record.

- i) On or about February 29, 2024, the Department requested a response to M.L.'s allegations from Respondent.
- j) On or about March 29, 2024, Respondent responded to the Department stating that he assisted M.L. "throughout 2023" but he did not have "the call records from that time as they were not required."

CONCLUSIONS OF LAW

- 4. The Director has jurisdiction over this matter.
- 5. Respondent's conduct, as described above, constitutes a violation of Title 20 or any rule, subpoena or order of the Director. A.R.S. § 20-295(A)(2).
- 6. Respondent's conduct, as described above, constitutes using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere. A.R.S. § 20-295(A)(8).
- 7. Respondent's conduct, as described above, constitutes a failure to keep the usual and customary records pertaining to insurance transactions. A.R.S. § 20-290(A).
- 8. Grounds exist, for the Director to deny, suspend for not more than twelve months, revoke or refuse to renew Respondent's insurance producer licenses. A.R.S. § 20-295(A).

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ORDER

IT IS HEREBY ORDERED THAT:

Yosvani Hernandez's Arizona non-resident insurance producer license, National
Producer License Number 20508348, is revoked effective immediately.

Effective this ^{17th} _____ day of ^{December} _____, 2024.

Barbara D. Richardson

Barbara D. Richardson, Director
Arizona Department of Insurance and Financial Institutions

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CONSENT TO ORDER

1. Respondent acknowledges that they have been served with a copy of the foregoing Consent Order in the above-referenced matter, have read it, are aware of their right to an administrative hearing in this matter and have knowingly and voluntarily waived that right.

2. Respondent accepts the personal and subject matter jurisdiction of the Department over them in this matter.

3. Respondent acknowledges that no promise of any kind or nature has been made to induce them to sign the Consent to Order and they have done so knowingly and voluntarily.

4. Respondent acknowledges and agrees that the acceptance of this Consent to Order by the Director is solely to settle this matter and does not preclude the Department from instituting other proceedings as may be appropriate now or in the future. Furthermore, and notwithstanding any language in this Consent Order, this Consent Order does not preclude in any way any other state agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Department, this Consent Order makes no representations, implied or otherwise, about the views or intended actions of any other state agency or officer or political subdivision of the state relating to this matter or other matters concerning Respondent.

1 5. Respondent waives all rights to seek an administrative or judicial review or
2 otherwise to challenge or contest the validity of this Consent Order and its accompanying
3 parts before any court of competent jurisdiction.

4 6. Respondent acknowledges that this Consent Order is an administrative action
5 that the Department will report to the National Association of Insurance Commissioners
6 (NAIC). Respondent further acknowledges that they must report this administrative action
7 to any and all states in which Respondent holds an insurance license and must disclose this
8 administrative action on any license application.

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12-16-2024
DATE



YOSVANI HERNANDEZ
(NATIONAL PRODUCER NO. 20508348)

1 **COPY** of the foregoing delivered via email
this ^{17th} day of ^{December} _____, 2024, to:

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3 Yosvani Hernandez
4 1695 NW 110TH AVE
5 DORAL, FL 33018
6 depicgroup@gmail.com
7 Respondent

8 **COPY** of the foregoing delivered/mailed same date, to:

9 Deian Ousounov, Chief Financial Deputy Director
10 Alena Caravetta, Regulatory Legal Affairs Officer
11 Ana Starcevic, Unit Project Specialist
12 Catherine O'Neil, Consumer Regulatory Affairs Officer
13 Steven Fromholtz, Division Manager, Licensing
14 Linda Lutz, Legal Assistant, Licensing
15 Aqueelah Currie, Licensing Supervisor
16 Arizona Department of Insurance and Financial Institutions
17 100 North 15th Avenue, Suite 261
18 Phoenix, Arizona 85007-2630

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Mayra Kariem
