

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

FRANCISCO LOPEZ

(National Producer No. 16577813)

No. 21A-092-INS

ORDER

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

1 Maricopa County for judicial review, pursuant to A.R.S. § 20-166. A party filing an appeal
2 must notify the Office of Administrative Hearings of the appeal within ten days after filing the
3 complaint commencing the appeal, pursuant A.R.S. § 12-904(B).

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

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

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1 **COPY** of the foregoing electronically transmitted
this 23rd day of February, 2022, to:

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

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

7 Francisco Lopez
8 401 Northwest Hwy, Apt. 4150
9 Irving, TX 75039-4198
Respondent 9489 0090 0027 6139 7889 76

10 **COPY** of the foregoing electronically delivered same date to:

11 Deian Ousounov, Regulatory Legal Affairs Officer
12 Catherine O'Neil, Consumer Legal Affairs Officer
13 Ana Starcevic, Paralegal Project Specialist
14 Steven Fromholtz, Division Manager
15 Aqueelah Currie, Licensing Supervisor
16 Linda Lutz, Legal Assistant
17 Dawn Lucero, Investigator (fm)
18 Wendy Greenwood, Investigations Manager
19 Arizona Department of Insurance and Financial Institutions
20 100 North 15th Avenue, Suite 261
21 Phoenix, Arizona 85007

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

23 Francisco Lopez
24 Flopez311@gmail.com
25 Respondent.

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

27 *Ana Starcevic*

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 21A-092-INS

FRANCISCO LOPEZ
(National Producer No. 16577813)

ADMINISTRATIVE LAW JUDGE
DECISION

Respondent

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:

- 1 a. On or about December 15, 2020, the Nebraska Department of Insurance
2 issued a Recommended Order requiring Respondent to pay a fine of
3 \$1,000.00 within 90 days.
- 4 b. On or about February 9, 2021, the Kansas Insurance Department issued an
5 Administrative Action against Respondent revoking his Kansas non-resident
6 insurance producer license. Kansas' Administrative Action was based on
7 Respondent's voluntary surrender of his Texas resident insurance producer
8 license and his failure to meet the requirement of maintaining his resident
9 license in good standing.
- 10 c. On or about July 22, 2021, the California Department of Insurance issued an
11 Order of Summary Revocation against Respondent revoking his California
12 insurance producer license effective August, 2021. California's Order of
13 Summary Revocation was based on Respondent's the administrative
14 actions taken against his license in Nebraska and Kansas and his failure to
15 report them.
- 16 d. On or about August 26, 2021, the New Mexico Office of the Superintendent
17 of Insurance issued a Final Order against Respondent revoking his New
18 Mexico insurance producer license.

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

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

27 7. On or about September 2, 2021, the certified mail was returned by the
28 United States Postal Service to the Department with a label stating, "Return to Sender /
29 Not Deliverable as Addressed / Unable to Forward."
30

1 8. Respondent did not appear at the hearing; therefore, he did not present any
2 evidence to refute or rebut the evidence presented by the Department.

3 **CONCLUSIONS OF LAW**

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

7 2. The copies of the Notice of Hearing that the Department sent to Respondent
8 at his address of record and at his email address of record were reasonable and
9 Respondent is deemed to have received notice of the hearing. A.R.S. §§ 41-1092.04 and
10 41-1092.05(D).

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

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

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

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

23 7. Grounds exist for the Director of the Department to suspend, revoke, or
24 refuse to renew Respondent's license pursuant to A.R.S. §§ 20-286(C)(1), 20-287(A)(1),
25 20-295(A)(2) and (9), and 20-301(A).

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

28 **ORDER**

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

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

4 Done this day, February 16, 2022.

5
6 /s/ Tammy L. Eigenheer
7 Administrative Law Judge

8 Transmitted electronically to:

9 Evan G. Daniels;
10 Department of Insurance and Financial Institutions - Insurance
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