

JUN 10 2015

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MS

In the Matter of:

CRICK, JERMAINE LENROY
(Arizona License No. 165697)
(National Producer No. 7935527)

No. 14A-128-INS

and

ORDER

JASIR INSURANCE GROUP, LLC
(Arizona License No. 957562)

Respondents.

On June 8, 2015, 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 Department of Insurance ("Director") on June 9, 2015, a copy of which is attached and incorporated by this reference. The Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

1. The Director adopts the Recommended Findings of Fact and Conclusions of Law.
2. The Director revokes the Arizona resident insurance producer license, No. 165697, of **Jermaine Lenroy Crick** effective immediately.
3. The Director revokes the Arizona resident insurance producer license, No. 957562, of **Jasir Insurance Group, LLC** effective immediately.
4. Respondents shall immediately pay restitution to Metropolitan Life Insurance Company in the amount of \$4,688.00 (Shelton O'Gynn - \$516.00; Lonnie

1 Mary Kosinski, Executive Assistant for Regulatory Affairs
Darren Ellingson, Deputy Director
2 Catherine O'Neil, Consumer Legal Affairs Officer
Yvonne Hunter, Consumer Affairs Assistant Director
3 Charles Gregory, Special Agent Supervisor
Gloria Barnes-Jackson, Investigator
4 Steven Fromholtz, Licensing Director
Barbara Beltran, Business Office
5 Arizona Department of Insurance
2910 North 44th Street, Suite 210
6 Phoenix, Arizona 85018

7 Liane Kido
Assistant Attorney General
8 1275 West Washington Street
Phoenix, Arizona 85007-2926

9 Office of Administrative Hearings
10 1400 West Washington, Suite 101
Phoenix, Arizona 85007

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12 *Maidene Scheiner*

13 Maidene Scheiner

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AZ DEPT. OF INSURANCE
ADMINISTRATIVE SERVICES

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 14A-128-INS

CRICK, JERMAINE LENROY
(Arizona License Number 165697)
(National Producer Number 7935527)

ADMINISTRATIVE
LAW JUDGE DECISION

and

JASIR INSURANCE GROUP LLC
(Arizona License Number 957562)

Respondents

HEARING: May 19, 2015

APPEARANCES: Respondents did not appear. The Arizona Department of Insurance was represented by Assistant Attorney General Liane C. Kido.

ADMINISTRATIVE LAW JUDGE: Tammy L. Eigenheer

FINDINGS OF FACT

1. Jermaine Lenroy Crick is, and was, at all times material to this matter, licensed as an Arizona resident property and casualty insurance producer, license number 165697, which expires on September 30, 2015.

2. Mr. Crick's business and mailing addresses of record was 3050 S. Country Club, #28, Mesa, Arizona 85210.

3. Jasir Insurance Group, LLC dba IC and IC Insurance Center (Jasir) was, at all times relevant to this matter, licensed as an Arizona resident property and casualty insurance producer, license number 957562, which expired on December 31, 2013. Mr. Crick is the Designated Responsible Licensed Producer (DRLP) for Jasir.

4. Jasir's business and mailing addresses of record was 3050 S. Country Club, #28, Mesa, Arizona 85210.

5. On or about August 8, 2014, the Department received an anonymous complaint with a copy of Mr. Crick's license record attached. The complaint stated as follows:

Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

1 This person has been charged for shooting a person.
2 He has also submitted fraudulent documents to the insurance
3 Carrier's such as Progressive, Travelers. Etc by submitting
4 fraudulent E&O insurance documents.
5 He is no longer operating from location listed.
6 He is currently under investigation by Progressives and other carrier's.
7 His license to operate or sale insurance should be revoked.

8 (Errors in original).

9 **Misappropriation of Premium**

10 6. On or about April 25, 2012, Shelton O'Gyunn gave Respondents check
11 number 112 for \$516.00 for premium on a homeowner insurance policy with
12 Metropolitan Life Insurance Company (MetLife). Respondents did not remit the
13 premium to MetLife. MetLife has since refunded the premium payment to Mr. O'Gyunn
14 via check on December 13, 2013.

15 7. On or about October 15, 2012, Lonnie Wiley paid Respondents \$510.00
16 for premium on a homeowner policy with MetLife. Respondents did not remit the
17 premium to MetLife. MetLife has since issued a credit to Mr. Wiley's policy for \$510.00
18 on September 5, 2013.

19 8. Between December 2012 and March 2013, Jacqueline Dale gave
20 Respondents two premium payments totaling \$1,993.00 for a personal automobile
21 insurance policy with MetLife. One payment of \$890.00 was made via debit card and
22 one payment of \$1,103.00 was made via credit card. Respondents did not remit the
23 premium to MetLife. MetLife has since refunded \$1,296.00 to Ms. Dale on December
24 6, 2013. MetLife applied the remaining \$697.00 to Ms. Dale's policy for premiums due
25 on October 8, 2013.

26 9. Between September 20, 2012, and February 15, 2013, Mohamad Zeitoun
27 gave Respondents three cash premium payments totaling \$1,264.00 for a personal
28 automobile insurance policy with MetLife. MetLife has since issued a credit of
29 \$1,264.00 to Mr. Zeitoun's policy on September 5, 2013.

30 10. Respondents have not made restitution to MetLife for the defalcations of
premiums.

1 11. On or about October 30, 2012, Sharmin and Altaf Hasan gave
2 Respondents a premium payment of \$405.00 via credit card for a personal automobile
3 insurance policy with MetLife. Respondents did not remit the premium to MetLife.

4 12. On or about April 1, 2013, Blase Chiarelli gave Respondents a premium
5 payment of \$428.00 for a new homeowner's insurance policy. Respondents provided
6 Mr. Chiarelli with an ACORD Evidence of Property Insurance which stated that "policies
7 of insurance . . . have been issued to the insured" The form indicated that a
8 property insurance policy had been issued by Traveler's Insurance to Mr. Chiarelli
9 effective March 25, 2013. Traveler's Insurance had no record of the policy being
10 issued to Mr. Chiarelli. When Mr. Chiarelli was unable to obtain a refund from
11 Respondents, he filed a complaint with the Department on August 10, 2013.

12 **Violation of a Subpoena**

13 13. On January 15, 2015, the Department issued a Subpoena Duces Tecum
14 to Respondents. The subpoena was sent to Respondents' addresses of record. All
15 mailings of the subpoena were returned to the Department.

16 14. Respondents did not respond to the Department's subpoena.

17 **Failure to Notify of Change of Members**

18 15. On July 22, 2010, Articles of Amendment were filed with the Arizona
19 Corporation Commission. The Articles of Amendment changed the statutory agent of
20 Jasir Insurance Group, LLC from Cynthia Crick to J.L. Crick and removed Cynthia Crick
21 as the sole listed member and added J.L. Crick as the sole member of Jasir Insurance
22 Group, LLC.

23 16. Jasir failed to notify the director in writing of any change in the members,
24 directors, officers, or designated producer within 30 days of the change.

25 **Felony Conviction**

26 17. On or about July 6, 2011, the U.S. District Court for the District of Arizona
27 indicted Mr. Crick in the case U.S. v. Jermaine Lenroy Crick, CR 11-02383-001-TUC-
28 DCB(JJM). The Court charged Mr. Crick with one count of Possession with Intent to
29 Distribute less than 50 kilograms of Marijuana, a felony offense.

1 18. On or about April 17, 2012, Mr. Crick was convicted of Possession with
2 Intent to Distribute Marijuana, a Class D Felony offense. The Court sentenced Mr.
3 Crick to five years probation and ordered him to pay a fine of \$500.00 and a special
4 assessment of \$100.00.

5 19. Mr. Crick failed to notify the Department of the criminal prosecution within
6 30 days after the initial pretrial hearing date.

7 20. On or about September 18, 2013, the Court revoked Mr. Crick's probation
8 for failing to pay monetary penalties ordered by the Court. Mr. Crick was committed to
9 the custody of the Bureau of Prisons for 9 months with a term of 24 months of
10 supervised release to follow.

11 21. Mr. Crick failed to notify the Department of any change of his business or
12 residential address within 30 days of any change.

13 **Failure to Report**

14 22. On or about June 25, 2013, the State of Arizona filed a Direct Complaint
15 against Mr. Crick in case number CR2013-42887 in the Superior Court of Arizona,
16 Maricopa County. The Direct Complaint charged Mr. Crick with Aggravated Assault, a
17 Class 3 Dangerous Felony. The charges stemmed from an incident on or about June
18 20, 2013, in which Mr. Crick "using a handgun, a deadly weapon or dangerous
19 instrument, intentionally, knowingly or recklessly caused a physical injury to Brandon
20 Eastman"

21 23. On or about May 8, 2014, the Court conducted an Initial Pretrial
22 Conference.

23 24. Mr. Crick failed to notify the Department of the Initial Pretrial Conference
24 within 30 days.

25 **Failure to Disclose**

26 25. On or about October 1, 2011, Mr. Crick submitted an electronic renewal
27 application to the Department. Section C of the October 1, 2011 Application asks if the
28 applicant has ever been convicted of, found guilty of, had a judgment made against you
29 for, or admitted to a felony of any kind that had not previously been disclosed to the
30 Department. Section D of the October 1, 2011 Application asks if there is any case

1 currently pending against you in any jurisdiction accusing you of any issue listed in
2 Section C. Mr. Crick answered "No" to both questions.

3 26. Respondents did not request to appear telephonically at the duly noticed
4 hearing and did not request that the hearing be continued. Although the start of the
5 hearing was delayed 20 minutes to allow Respondents additional travel time,
6 Respondents did not appear, personally or through an attorney, and did not contact the
7 OAH to request that the start of the hearing be further delayed. Consequently,
8 Respondents did not present any evidence to defend their licenses.

9 CONCLUSIONS OF LAW

10 1. The Notices of Hearing that the Department mailed to Respondents at
11 their addresses of record were reasonable and they are deemed to have received
12 notice of the hearing.¹

13 2. The Department bears the burden of proof and the standard of proof on
14 all issues is by a preponderance of the evidence. A.A.C. R2-19-119.

15 3. A preponderance of the evidence is "evidence of greater weight or more
16 convincing than the evidence which is offered in opposition to it; that is, evidence which
17 as a whole shows that the fact sought to be proved is more probable than not."
18 BLACK'S LAW DICTIONARY 1182 (6th ed. 1990).

19 4. A.R.S. § 20-295(A) and (F) provide the Director of the Department with
20 the discretion to deny, suspend, or revoke an insurance producer's license, and/or
21 impose a civil penalty, and/or order restitution.

22 5. The weight of the evidence established that Mr. Crick failed to notify the
23 Department of any change in the licensees' residential or business address in writing
24 within 30 days in violation of A.R.S. § 20-286(C)(1).

25 6. The weight of the evidence established that Respondents failed to notify
26 the Department of any change in Jasir's members within 30 days in violation of A.R.S. §
27 20-286(C)(2).

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¹ See A.R.S. §§ 41-1092.04; 41-1092.05(D).

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/s/ Tammy L. Eigenheer
Administrative Law Judge

Transmitted electronically to:

Darren Ellingson, Deputy Director
Arizona Department of Insurance