

STATE OF ARIZONA
Department of Insurance and Financial Institutions
FILED March 20, 2024 by AS

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

HERNANDEZ CALERO, NUMAR
(National Producer Number 19291153)

Petitioner

No. 23A-096-INS
ORDER

On March 5, 2024, the Office of Administrative Hearings, through Administrative Law Judge Velva Moses-Thompson, issued an Administrative Law Judge Decision (“Recommended Decision”). The Arizona Department of Insurance and Financial Institutions’ (“Department”) Executive Deputy Director (“EDD”) received the Recommended Decision on the same date, a copy of which is attached and incorporated by reference. Petitioner failed to accept the Recommended Decision within ten days of receipt. Therefore, the EDD has reviewed the Recommended Decision and enters the following:

1. The Department ADOPTS the Findings of Fact, except to correct the following:
Page 3 line 26 should read, “On January **9**, 2024.”
Page 3 line 30 should read, “A hearing was conducted on **February 14**, 2024.”
2. The Department ADOPTS the Conclusions of Law,
3. The Department ADOPTS the Recommended Order, and
4. The Department ORDERS that Numar Hernandez Calero’s appeal is dismissed, and that the Department’s denial of Petitioner’s license renewal application is affirmed.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes (“A.R.S.”) § 41-1092.09, Petitioner may request a rehearing or review with respect to this Order by filing a written motion with the Department within 30 days after the date of this Order, setting forth the basis for relief under Arizona

1 Administrative Code R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to
2 request a rehearing before filing an appeal to the Superior Court.

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

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8 DATED and EFFECTIVE this 20th day of March, 2024.

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Barbara D. Richardson

Barbara D. Richardson
Cabinet Executive Officer
Executive Deputy Director
Arizona Department of Insurance and Financial Institutions

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ORIGINAL of the foregoing filed electronically
this 20th day of March, 2024, to:

Velva Moses-Thompson, Administrative Law Judge
<https://portal.azoah.com/submission>
Office of Administrative Hearings

COPY of the foregoing delivered the same date, to:

Deian Ousunov, Chief Financial Deputy Director
Alena Caravetta, Regulatory Legal Affairs Officer
Ana Starcevic, Paralegal Project Specialist
Steven Fromholtz, Licensing Division Manager
Linda Lutz, Legal Assistant
Aqueelah Currie, Licensing Supervisor
Arizona Department of Insurance and Financial Institutions
100 North 15th Avenue, Suite 261
Phoenix, Arizona 85007

COPY mailed the same date by U.S First Class and
Certified Mail, Return Receipt Requested, to:

Numar Hernandez Calero
2918 E. Chelsea St.
Tampa, FL 33610
Petitioner 9489 0090 0027 6556 3622 23

COPY sent via electronic mail the same date, to:

Numar Hernandez Calero
Numar.hernandez@rqdirect.com
Petitioner

Zachary Howard, Assistant Attorney General
Zachary.Howard@azag.gov
AdminLaw@azag.gov
Attorney for the Department

Ana Starcevic

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 23A-096-INS

HERNANDEZ CALERO, NUMAR

**ADMINISTRATIVE LAW JUDGE
DECISION**

Petitioner.

HEARING: February 14, 2024

APPEARANCES: Petitioner Numar Hernandez Calero (Petitioner) did not appear. Assistant Attorney General Zachary Howard represented the Department of Insurance and Financial Institutions - Insurance (Department).

ADMINISTRATIVE LAW JUDGE: Velva Moses-Thompson

EXHIBITS ADMITTED INTO EVIDENCE: Department's Exhibits 1 through 6.

FINDINGS OF FACT

1. On or about February 15, 2022, the State of New York routinely denied Petitioner's application for an insurance license, because Petitioner failed to respond. See Department's Exhibit 3.

2. On or about December 8, 2023, Petitioner submitted a renewal application for an Arizona non-resident insurance producer license through the National Insurance Producer Registry (hereinafter "Application").

3. Petitioner answered "No" to the following question on the Background Questions section of the Application: ¹

Have you been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration, which has not been previously reported to this insurance department? "Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, placed on probation, sanctioned or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or

¹ See Exhibit 2, Bates 007.

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registration. "Involved" also means having a license, or registration, application denied or the act of withdrawing an application to avoid a denial. INCLUDE any business so named because of your actions in your capacity as an owner, partner, officer or director, or member or manager of a Limited Liability Company. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee. If you answer yes, you must attach to this application: a) a written statement identifying the type of license and explaining the circumstances of each incident, b) a copy of the Notice of Hearing or other document that states the charges and allegations, and c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

4. On December 11, 2023, the Department notified Petitioner by e-mail that she submitted an incorrect response to question 2 of the Background Questions section of the Application. The Department did not notify Petitioner through the e-mail of the specific information that was obtained from another state's insurance department. The December 11, 2024 notice provided, in relevant part, as follows:

The Arizona Department of Insurance and Financial Institutions (DIFI) (the department) recently received your application for a non-resident license through the National Insurance Producer Registry (NIPR). In the "Background Questions" section of the application, question 2 asks, "**Have you or any business in which you are an owner, partner, officer or director, or member or manager of a limited liability company, ever been involved in an administrative proceeding or occupational license, or registration?**" Your answer was, "No". DIFI has received evidence from another state's insurance department that this response is not correct. Based on the possible failure to disclose, DIFI may initiate an administrative action against you for failing to fully disclose information on the application. To complete the processing of your application you have the following options:

Withdraw the incorrectly filed application: By sending an email to Inslicensingreporting@difi.az.gov requesting the incorrectly submitted application be withdrawn. After the incorrect application has been withdrawn, you may resubmit a NEW application and fee with the correct response to question 2 of the "Background Questions".

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Proceed with the current application: You must request that DIFI continue with your current application. You must advise DIFI of which option you have decided to proceed with, no later than 14 days from the date of this letter, by sending an email to inslicensingreporting@difi.az.gov. If the DIFI does not receive a response from you within 14 days of our receipt of your application, DIFI will proceed with the review of the application 14 days from the date of the deficiency pursuant to A.A.C. R20-6-708. You may contact the DIFI at insurancelicensing@difi.az.gov or (602) 364-4457 if you have any questions or concern.

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5. On December 11, 2023, Petitioner responded to the notification. Petitioner explained that she was denied a license in New York due to lack of replying. Petitioner further stated that the reason for the lack of response was improper contact information. However, Petitioner stated that she was unaware of any “administrative actions.”

6. On December 12, 2023, the Department notified Petitioner that the Application was denied pursuant to Arizona Revised Statutes (A.R.S.) §§ 20-295 A. (1), (3) and (9). The December 12, 2023 notice provided, in relevant part as follows:

Pursuant to Arizona Revised Statutes §§ 20-295 A. (1), (3) and (9) without limitation, your application for an insurance license is hereby denied.

20-295 A 1. Providing incorrect, misleading, incomplete or materially untrue information in the license application.

20-295 A 3. Obtaining or attempting to obtain a license through misrepresentation or fraud.

20-295 A 9. Having an insurance producer license, or its equivalent, denied, suspended or revoked in any state, province, district or territory.

7. On January 31, 2024, the Department issued a Notice of Hearing setting the Department’s denial for hearing on February 14, 2024. The Notice of Hearing provided that the issue set for determination was, “whether grounds exist to affirm the intent to deny Petitioner’s renewal application for an Arizona insurance producer license.”

8. A hearing was conducted on March 5, 2024.

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Pursuant to A.R.S. § 41-1092.08(I), the licensee may accept the Administrative Law Judge Decision by advising the Office of Administrative Hearings in writing not more than ten (10) days after receiving the decision. If the licensee accepts the Administrative Law Judge Decision, the decision shall be certified as the final decision by the Office of Administrative Hearings.

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 forty (40) days from the date of that certification.

Done this day, March 5, 2024.

/s/ Velva Moses-Thompson
Administrative Law Judge

Transmitted by either mail, e-mail, or facsimile to:

Barbara D. Richardson,
Department of Insurance and Financial Institutions - Insurance

Zachary Howard, Esq.
zachary.howard@azag.gov

Numar Hernandez Calero
numar.hernandez@rqdirect.com

By: OAH Staff