

Cairns, Kelly (OIC)

From: Stickler, Marcia (OIC)
Sent: Thursday, January 26, 2012 3:26 PM
To: Cairns, Kelly (OIC)
Subject: FW: In the Mtter of John Lizana; Order No. 11-0284

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2012 JAN 27 A 10:33

Hi, Kelly. Here is another producer hearing request. I'll bring down the proposed Consent Order wherein we fined him \$250. BTW, my file had his name in error as Lizano, when his name is actually Lizana.

Stickler, Marcia (OIC)
Thanks
Chief Hearing Officer

From: J. Craig LeJeune [<mailto:jclejeune@eatel.net>]
Sent: Thursday, January 26, 2012 12:27 PM
To: Stickler, Marcia (OIC)
Subject: In the Mtter of John Lizana; Order No. 11-0284

Dear Ms. Stickler,

Following up on our phone conversation of earlier today, please be advised that my client, John Lizana, would like to take advantage of his right to a hearing in the above captioned matter. Also, because we both live in Baton Rouge, Louisiana, we would respectfully request that Mr. Lizana be permitted to attend this hearing by phone if at all possible. My contact information is: J. Craig LeJeune, Attorney At Law, P.O. Box 86464, Baton Rouge, LA 70879; Phone: (225)677-5079; Fax: (225)677-7020; and, of course, my email address will appear herein. Thank you very much for your attention to this. I look forward to hearing from you. With sincere professional regards, I am, Very truly yours, J. Craig LeJeune

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

FILED

OFFICE OF
INSURANCE COMMISSIONER

2012 JAN 27 A 10:30

IN THE MATTER OF

JOHN D. LIZANO,

Respondent.

ORDER NO. 11-0284

CONSENT ORDER
LEVYING A FINEPatricia D. Peterson
Chief Hearing Officer

The Insurance Commissioner of the State of Washington, pursuant to the authority set forth in RCW 48.17.560, having reviewed the official records and files of the Office of the Insurance Commissioner ("OIC"), makes the following:

FINDINGS OF FACT:

1. John D. Lizano ("Lizano" or "the Licensee") applied for a nonresident life and disability insurance producer license with the OIC on May 18, 2011. Lizano's resident state is Louisiana and he has a nonresident producer license in Alabama. Lizano responded with a "no" answer to all of the background questions on the online application, including the one that asked "Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration?"

2. In 2003, Lizano submitted a nonresident producer license renewal form to the Alabama DOI, wherein he answered "no" to the question "Have you ever had an insurance license denied, suspended, or revoked by any insurance department or had a complaint issued against you by any insurance department? Unbeknownst to Lizano, by law in Alabama, if a producer fails to renew a license, that license is technically suspended, rather than lapsed or expired. Lizano failed to renew his Alabama producer license and thus it was suspended on February 23, 1998. As a result of the false "no" answer on the 2003 application, Lizano signed a 2004 Settlement Agreement and Order with the State of Alabama. The settlement required that Lizano reimburse the State of Alabama \$250 for the cost, expenses, and attorney fees incurred by the State of Alabama.

CONCLUSIONS OF LAW:

1. By failing to accurately answer the question on the OIC application form regarding prior administrative actions, Lizano became subject to the Commissioner's right to refuse to issue a producer license under RCW 48.17.530(1)(a) for providing incorrect, misleading, incomplete, or materially untrue information in the license application.

2. RCW 48.17.560 states that after a hearing or upon stipulation by the licensee or insurance education provider, and in addition to or in lieu of suspension, revocation, or refusal to renew any such license or insurance education provider approval, the Commissioner may levy upon the licensee or insurance education provider a fine of not more than \$1,000 per violation of the insurance code.

CONSENT TO ORDER:

Lizano, acknowledging his duty to comply fully with the applicable laws of the State of Washington, consents to the following in consideration of his desire to resolve this matter without further administrative or judicial proceedings. The Insurance Commissioner consents to settle the matter in consideration of Lizano's payment of a fine on such terms and conditions as are set forth below.

1. Lizano consents to the entry of this Order, waives any and all hearing rights, and further administrative or judicial challenges to this Order.

2. By agreement of the parties, the Insurance Commissioner will impose a fine of \$250.00 (Two Hundred Fifty Dollars) to be paid within thirty days of the entry of this Order.

3. Lizano understands and agrees that any future failure to comply with the statute that is the subject of this Order constitutes grounds for further penalties, which may be imposed in response to further violations.

4. Lizano's failure to timely pay this fine and to adhere to the conditions shall constitute grounds for revocation of his license as an insurance producer, and shall result in the recovery of the fine through a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington.

EXECUTED this _____ day of _____, 2012.

JOHN D. LIZANO

Signature: _____

ORDER

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner hereby Orders as follows:

1. Lizano shall pay a fine in the amount of \$250.00 (Two Hundred Fifty Dollars) to be paid within thirty days of the entry of this Order.

2. Lizano's failure to pay the fine within the time limit set forth above shall result in the revocation of his license as an insurance producer and in the recovery of the fine through a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington.

ENTERED AT TUMWATER, WASHINGTON, this ____ day of _____, 2012.

MIKE KREIDLER
Insurance Commissioner

By

Marcia G. Stickler
Legal Affairs Division