

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 19555-AG20-0713-112

IN THE MATTER OF:)
)
David M. Phillips Jr.)
13430 N. Black Canyon Hwy, Ste. 290,)
Phoenix, AZ 85029)
)
Respondent.)
)
Type of Agency Action: Enforcement)
)
License Number: 3281842)

FILED

SEP 17 2020

STATE OF INDIANA
DEPT. OF INSURANCE

**ADMINISTRATIVE ORDER AND
NOTICE OF NONRENEWAL OF LICENSE**

The Indiana Department of Insurance (“Department”), pursuant to Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.*, and Indiana Code § 27-1-15.6-12, hereby gives notice to David M. Phillips Jr., (“Respondent”) of the following Administrative Order:

1. Respondent is a licensed nonresident insurance producer holding license number 3281842 since October 11, 2017 (“Respondent’s license”).
2. Respondent’s license expired on June 30, 2020.
3. On or about July 6, 2020, it was discovered by the Department that on Respondent’s October 11, 2017, application for nonresident producer licensure Respondent failed to disclose the following criminal convictions:
 - a. September 29, 2015, conviction for Possession of a Controlled Substance, a Misdemeanor, in the State of Ohio; and

b. June 11, 2015, conviction for Disorderly Conduct, a Misdemeanor, in the State of Arizona.

4. On or about July 6, 2020, it was discovered by the Department that Respondent failed to timely report the following convictions to the Department:

a. May 31, 2018, conviction for Driving Under the Influence, a Misdemeanor in the State of Arizona; and

b. December 21, 2018, conviction for Criminal Damage, a Misdemeanor in the State of Arizona.

5. Indiana Code § 27-1-15.6-12(b)(1), provides, in part, that the Commissioner may refuse to renew an insurance producer's license providing incorrect, misleading, incomplete, or materially untrue information in a license application.

6. Indiana Code § 27-1-15.6-12(b)(2)(A) provides, in part, that the Commissioner may refuse to renew an insurance producer's license for violating an insurance law.

7. Indiana Code § 27-1-15.6-17(b), is an insurance law, which states not more than thirty (30) days after an initial pretrial hearing date, a producer shall report to the Commissioner any criminal prosecution of the producer initiated in any jurisdiction.

8. Indiana Code § 27-1-15.6-12(d) requires the Commissioner to notify a licensee of the reason for the nonrenewal of his license. This Order serves as that notice.

9. The Commissioner further notifies Respondent that, pursuant to Indiana Code § 27-1-15.6-12(d), Respondent may, within sixty-three (63) days of the mailing of this Order, make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **his license shall not be renewed** due to Respondent's failure to disclose his criminal convictions on his initial application for licensure, and for Respondent's failure to timely report his criminal proceedings the Department.

9-17-2020

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

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