STATE OF ILLINOIS
DEPARTMENT OF INSURANCE

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DEPARTMENT OF INSURANCE
SPRINGFIELD

IN THE MATTER OF THE REVOCATION OF THE LICENSING AUTHORITY OF:	)	
Concepcion P. Gonzalez 1126 Williams Street Collinsville, IL. 62234	)	Hearing No. 04-HR-0146

ORDER

I, Deirdre K. Manna, Acting Director of Insurance for the State of Illinois, hereby certify that I have read the Findings of Fact, Conclusions of Law and Recommendations of the Hearing Officer, Joseph T. Clennon, heretofore appointed and designated pursuant to Section 402 of the Illinois Insurance Code (215 ILCS 5/402) to conduct a hearing into the above-captioned matter, and that I have carefully considered the Summary of Proceedings, Findings of Fact, Conclusions of Law and Recommendations of the Hearing Officer.

I, Deirdre K. Manna, Acting Director of Insurance for the State of Illinois, being fully advised in the premises, do hereby adopt said Summary of Proceedings, Findings of Fact, Conclusions of Law and Recommendations of the Hearing Officer as my own, and based upon the same, enter the following Order under the authority granted me by Article XXIV of the Illinois Insurance Code (215 ILCS 5/401 et. seq.) and Article X of the Illinois Administrative Procedure Act (5 ILCS 100/10-5 et. seq.).

NOW IT IS THEREFORE ORDERED THAT:

1) The Order of Revocation issued in this matter is hereby vacated.

2) The Illinois Producer's License of the Respondent, Concepcion P. Gonzalez is suspended until such time as she provides the Department with written proof, satisfactory to the Director, at the Director's sole discretion, that the Respondent has satisfied the following requirements:

a) The Respondent provides the Department with written proof of her successful completion of her probationary period regarding the criminal proceeding at issue in this hearing;

b) The Respondent provides the Department with written proof that she has paid to the court cost or special assessments relating to the plea agreement in connection with said criminal proceeding;

c) The Respondent provides payment to the Department of the $137.50 costs of this proceeding within 90 days of the date of this order, directly to the Illinois Department of Insurance, Tax and Fiscal Services Section, 320 W. Washington, Springfield, Illinois 62767; and

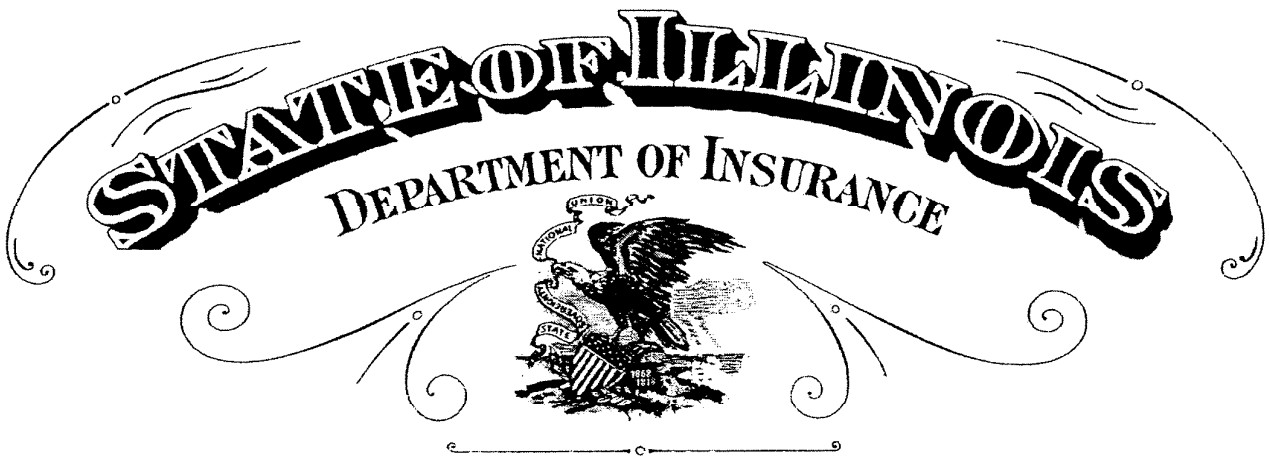
d) The Respondent files a completed application for the Director's consent to engage in the business of insurance pursuant to 18 USC Sec. 1033, and receives the requisite granting of such consent by the Director.

This Order is a Final Administrative Decision pursuant to the Illinois Administrative Procedure Act (5ILCS 100/1-1 et. seq.). Further, this Order may be appealed pursuant to the Illinois Administrative Review Law (735 ILCS 5/3-101 et. seq.).

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Official Seal of the Department of Insurance in the City of Springfield, State of Illinois, this 24th day of June, A. D., 2004.

Deirdre K. Manna

Deirdre K. Manna,
Acting Director of Insurance



IN THE MATTER OF THE REVOCATION OF THE LICENSING AUTHORITY OF:	))	
Concepcion P. Gonzalez 1126 Williams Street Collinsville, IL. 62234	))))	Hearing No. 04-HR-0146

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATIONS OF THE HEARING OFFICER

NOW COMES, Joseph T. Clennon, duly appointed Hearing Officer in the above-captioned matter, and hereby offers his Findings of Fact, Conclusions of Law and Recommendations to the Director of Insurance.

FINDINGS OF FACT

1. On February 20, 2004, Joseph T. Clennon was appointed as Hearing Officer in the above-captioned matter by order of the Acting Director of Insurance, Deirdre K. Manna ("Director") Hearing Officer (HO) Exhibit 2.

2. The Director caused a Notice of Hearing and Authority to Conduct Hearing, appointing Joseph T. Clennon as the Hearing Officer, to be issued on February 20, 2004, and to be sent to Ms. Gonzalez HO (Exhibit 2) Attached thereto was the Appearance of Attorney James Rundblom, on behalf of the Department, a copy of the Order of Revocation, signed by Former Director of Insurance, J. Anthony Clark and the request for a hearing, signed by Ms. Gonzalez. (Exhibits A and B of the Order of Revocation) Additionally, the Domestic Return Receipt (green card) from

the U.S. Postal Service signed by Ms. Gonzale on Febuary 25, 2004 showing receipt of certified mail was also presented by the Hearing Officer. (HO Exhibit 3) The exhibits were entered into the record with no objections.

3. The details of the proceedings are as follows:

The following individuals were present on August 28, 2002:

Mr. Joseph T. Clennon, Hearing Officer
Mr. James Rundblom, Counsel for the Department
Ms. Linda S. Crowder, Financial Examiner for the Producer Regulatory Unit of the Illinois Department of Insurance
Concepcion P. Gonzales , Respondent, representing herself pro se
Cliff Berry on behalf on the Respondent

The hearing proceeded at approximately 10:00.

Mr. Rundblom gave his opening statement. Counsel for the Department cited Section 500-70(a)(6) of the Illinois Insurance Code as the reason Director Clark revoked Ms. Gonzales' producer license. (TR. 4) The revocation is based upon records obtained by the Department from the producer and from the United States District Court of the Southern District of Illinois that disclosed on December 15, 2003 the Petitioner was found guilty of conspiracy to distribute cocaine, cocaine base and methamphetamine. Department contends that the revocation should be sustained. (TR. 4-5)

Ms. Gonzales then gave her opening statement. She stated that during June of 2002 she made a transaction which was a mistake. Since that time, her husband has been in jail and she has worked to support her two sons. Ms. Gonzales, also stated that she has tried to make up for what she did. Ms. Gonzales is on probation until 13th of December 2004. Additionally, Ms. Gonzales stated that her insurance license is helping her to go on for her children and to support her home. (TR. 5)

In support of its case, the Department presented Ms. Linda S. Crowder, who after being duly sworn, testified as follows:

Mrs. Crowder works for the Illinois Department of Insurance in the Producer Regulatory Unit. Her duties include financial examination and investigations verifying compliance with the Illinois Insurance Code.

Ms. Crowder stated that the Department received documentation from the Respondent regarding a plea agreement related to conspiracy to distribute cocaine, cocaine base and methamphetamine. (Department's Exhibit A)

Additionally, Department of Insurance received a letter from the United States District Court, Southern District of Illinois, United States Probation Office, Christopher Origliosso. (Department's Exhibit B) Accompanying the aforementioned letter was a copy of the judgment, order and indictment. (Department's Exhibits C and D)

On cross-examination, Ms. Crowder agreed that the Respondent mailed, at least the initial correspondence herself because in the Respondent's words "I was supposed to if I had a felony charge..." However, there was some confusion as to who mailed the Department Exhibits B, C and D. Nevertheless, it appears that the Respondent directly or indirectly caused Department's Exhibits A, B, C, and D to be brought to the Department's attention. Additionally, Ms. Crowder agreed that the Respondent has done what the court and her probation officer wanted her to do.

Ms. Gonzalez, being represented pro se, presented her testimony in the form of a narrative. The Respondent stated that in 2002 her husband, while in Mexico, arranged for the sale of the controlled substances. According to the Respondent, prior to being contacted by her husband she was unaware that the controlled substances were in her residence. Upon receiving instructions to give the package to someone, the Respondent completed the transaction, which lead to the arrest of her husband and the indictment of the Respondent.

Upon questioning from the Hearing Officer, the Respondent stated that she is currently employed by Cress License and Insurance, selling auto insurance and processing the title work. She has worked for her current employers, Mr. And Mrs. Berry for two years, first at Cress Currency as a teller cashing checks and Western Union Drafts. Then in October of 2003, the Respondent began working on the "insurance side."

The Respondent stated that at the time she applied for her license, she had not yet been convicted of a felony.

The Respondent also stated that she has not violated any of the conditions of her probation.

The Department did not conduct cross examination.

Next on Behalf of the Respondent, Mr. Cliff Berry presented testimony in the form of a narrative.

Mr. Berry stated that he and his wife have known the Respondent for approximately 5 or 6 years. As an employee, the Respondent has been an exceptionally good employee, very honest and trustworthy. (TR. 27)

Mr. Berry also stated that recently in her duties at the Currency Exchange, the Respondent handled a little more than one million dollars in cash a month and the Mr. Berry trust the Respondent with that responsibility. (TR. 28)

Mr. Berry concluded his statement by reiterating that the Respondent is a good employee and that he trusts her.

This concluded the Respondent's case in chief.

In closing argument, Mr. Rundblom stated that the Department showed through documentation and the Respondent has testified to through her own testimony that she has committed a felony. The felony was in connection with the distribution of controlled substances. The Department believes that it is inappropriate to have an individual who has a record of conviction for a drug offense to be meeting with people and selling insurance. The Department believes that the statutory requirements have been fulfilled that allow the Order of Revocation to be sustained

Ms. Gonzales stated that she does have a felony charge and that she plead guilty to the charge. She also stated that the incident was "the one time thing", which happened two years ago. Ms. Gonzales stated that she reports to her probation officer and has successfully submitted to drug test once a month. Finally, Ms. Gonzales stated that she is just trying to get a second chance to go on with a productive life.

This concluded the Hearing and the record was closed.

CONCLUSIONS OF LAW

Based upon the facts discussed above in the Section, the Hearing Officer enters the following Conclusions of Law.

1. Joseph T. Clennon was duly and properly appointed as Hearing Officer in this matter by Order of the Director of Insurance pursuant to Section 402 of the Illinois Insurance Code. (215 ILCS 5/402)

2. The Director has jurisdiction over the subject matter and parties to this proceeding pursuant to various Sections of the Insurance Code. (215 ILCS 5/401, 5/401.1, 5/402 and 5/403)

3. The purpose of the Hearing was to determine the eligibility of the Respondent to hold an Illinois Insurance Producer License, and to determine whether the Director's Order of Revocation revoking the license should stand.

4. Section 500-70(a)(6) of the Illinois Insurance Code provides in part, as follows:

> (a) The Director may place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license or may

levy a civil penalty in accordance with this Section or take any combination of actions, for any one or more of the following causes:

(6) having been convicted of a felony

5. The Respondent, having plead guilty was convicted of a felony.

6. The Respondent, having been convicted of a felony, qualifies for revocation of her Illinois insurance producer license pursuant to Section 500-70(a)(6) of the Illinois Insurance Code.

RECOMMENDATIONS

The evidence presented in this matter shows that the Respondent's felony conviction was in connection with a plea agreement related to conspiracy to distribute cocaine, cocaine base and methamphetamine. Respondent was sentenced to 12 months probation. She complied with all conditions of probation release, including all drug testing, appointments and court dates. The Respondent appears contrite, has acknowledged responsibility for her prior criminal conduct. There was no evidence presented of any further criminal activity by the Respondent. Respondent was granted her Illinois insurance producers license and promptly after her convictions notified the Department. The Respondent, who is responsible for the care and custody of her two sons, is presently employed as in a currency exchange owned and operated by her former insurance employer. Her current employer appeared at the hearing to give a high recommendation to this tribunal. He stated that he trusts the Respondent with sustainable sums of cash each month and personally knows the Respondent to be exceptionally good employee, very honest and trustworthy.

In view of the above, the Hearing Officer concludes that the Director properly revoked the Respondents license; however, given plea agreement, the recommendations from the Respondent's employer and nothing in the record to indicate that the Respondent has engaged further criminal conduct or other regulatory incident, a conditional suspension appears to be a more appropriate sanction.

Wherefore, based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer offers the following Recommendations to the Director of Insurance:

That the Order of Revocation regarding the Respondent's Illinois Insurance producer license be replaced with a Order of Suspension, whereby the Respondent's Illinois producer license is indefinitely suspended pending (1) her providing the Department with written proof of her successful completion of her probationary period regarding the criminal proceeding at issue in this hearing; (2) her providing the Department with written proof that she has paid court cost or special assessments relating to the plea agreement in connection with said criminal proceeding; (3) payment to the Department of the $137.50 costs of this proceeding; and (4) filing of a completed

application for the Director's consent to engage in the business of insurance pursuant to 18 USC Sec. 1033, and the requisite granting of such consent by the Director.

Dated: June 9, 2004

Respectfully submitted,

Joseph T. Clennon
Hearing Officer