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FILED
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Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:)	
)	Docket No. 18-3310-17
LEONARD WILLIAM MATOS, an)	
individual holding Idaho)	HEARING OFFICER'S FINDINGS
Nonresident Producer)	OF FACT, CONCLUSIONS OF
License No. 580085)	LAW AND PRELIMINARY ORDER
)	
Respondent.)	
)	

This matter came on for an evidentiary hearing on October 4, 2017, before Jean R. Uranga, the designated Hearing Officer. The Department of Insurance appeared by and through its Deputy Attorney General, John Keenan, and Leonard Matos appeared by telephone representing himself. The Department of Insurance presented testimony and submitted Exhibits A through N. Mr. Matos presented testimony, but no exhibits.

FINDINGS OF FACT

1. Mr. Matos was issued an Idaho Nonresident Producer License, No. 580085, on July 25, 2016. The Department's licensing information submitted by Mr. Matos lists his business location and mailing address as 2819 Arcadia Drive, Miramar, Florida. (Exhibit

A.) During his hearing testimony, Mr. Matos admitted that this has been his correct address for all of 2017. Exhibit A further notes Mr. Matos' telephone number as 954- [REDACTED] and the preferred method of communication as email.

2. On January 31, 2017, six months after Mr. Matos was licensed, the Department received an online complaint against Mr. Matos from Deana S [REDACTED]. (Exhibit B.) The complaint alleges that Ms. S [REDACTED] purchased health insurance benefits from Mr. Matos through a telephone solicitation. She states she was told she was getting a health insurance policy with \$10 copays for doctor visits, coverage for medications and 80/20 on major medical. She also understood she would be receiving cancer benefits for no additional charge. She later found out she had purchased a cancer only policy. Her complaint states she has repeatedly tried to call Mr. Matos and he never returned her calls.

3. The complaint was assigned to Kate Frank, a Consumer Affairs Officer with the Department of Insurance. On February 1, 2017, Ms. Frank emailed a letter and a copy of the complaint to Mr. Matos via email to [REDACTED]@gmail.com. (Exhibit C.) Ms Frank testified that this was the email of record provided by Mr. Matos for the Department's records. The letter was addressed to Mr. Matos and directed Mr. Matos to respond to ten specific questions and provide his descriptive statement. The letter further directed Mr. Matos to respond by February 15, 2017, and notified Mr. Matos that Idaho Code Section 41-247 required a full and prompt response to the Department's request and failure to

respond may result in administrative action. Exhibit C clearly stated: "Another party may not respond on your behalf."

4. On February 22, 2017, Leif Herman emailed Ms. Frank in response to Exhibit C. The email from Mr. Herman indicates that Mr. Matos no longer works for this company and "I had to locate him and go over the details you are requesting." (Exhibit D.) The response to the S [REDACTED] complaint was from Mr. Herman, not Mr. Matos. On February 23, 2017, Ms. Frank emailed Mr. Herman and noted the response was incomplete and requested additional information. (Exhibit E.) Another incomplete email response from Mr. Herman was dated February 23, 2017. (Exhibit F.)

5. On March 3, 2017, Ms. Frank sent another email to Mr. Matos at the [REDACTED]@gmail.com email address. (Exhibit G.) That email included a letter addressed to Mr. Matos. The letter to Mr. Matos is dated March 3, 2017, and notes the responses from Mr. Herman were incomplete and: "It is critical for Mr. Matos to answer these questions as he was the agent who assisted Ms. S [REDACTED]." Mr. Matos was advised of Idaho Code Section 41-247 and the statutory requirement that he promptly respond. Again the letter noted: "Another party may not respond on your behalf."

6. Ms. Herman testified that in March 2017 she spoke to Mr. Herman and he stated he would forward the email to Mr. Matos. Mr. Herman also provided Ms. Frank with a new telephone number for Mr. Matos. On March 17, 2017, she called that telephone number twice and left voice mails for Mr. Matos. Ms. Frank also left another voice mail on March 20, 2017. Mr. Matos never responded to those

voice mails. At the hearing, Mr. Matos conceded that the telephone number Ms. Frank was using was, in fact, his personal telephone number, but Mr. Matos testified he never checks his voice mail on that telephone number.

7. Because Mr. Matos still failed to respond, the matter was referred to the Department's Deputy Attorney General, John Keenan. On April 18, 2017, Mr. Keenan sent a letter to Mr. Matos both by email to the "leif benefits" email address and by U.S. mail to Mr. Matos at 2819 Arcadia Drive, Miramar, Florida. (Exhibit I.) A copy of Ms. Frank's February 1, 2017, letter was enclosed. Mr. Keenan's letter clearly advised Mr. Matos that he had failed to respond to the Department as required by law. If Mr. Matos did not provide the requested information in full by April 28, 2017, action for revocation and a fine would be filed. In addition to his mailing address, Mr. Keenan provided both his telephone number and email address.

8. In April, 2017, Ms. Frank was also able to obtain another possible address for Mr. Matos in Coral Springs, Florida. (Exhibit J.)

9. The formal Complaint in this case was filed June 19, 2017, because of Mr. Matos' continued failure to respond to the Department. The Certificate of Service indicates the Complaint was served by regular mail to the Miramar and Coral Springs addresses.

10. On June 29, 2017, Mr. Matos finally responded to Mr. Keenan by email using an email address of [REDACTED]@gmail.com. In this email, Mr. Matos did not

provide any of the requested information, but simply stated: "I have never received my notifications for this". Mr. Matos indicated he can provide a reasonable explanation and requested a hearing. (Exhibit K.)

11. Using the email address provided by Mr. Matos, John Keenan again emailed Mr. Matos on June 29, 2017, demanding a response to the requested information and enclosing the S [REDACTED] complaint and various letters and documents. (Exhibit M.)

12. Mr. Matos did not finally respond to the requested information until October 2, 2017, two days before the hearing on the Complaint.

13. The Hearing Officer finds that Mr. Matos failed to promptly respond to the Department of Insurance regarding the complaint of Ms. S [REDACTED].

CONCLUSIONS OF LAW

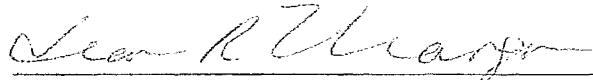
14. Mr. Matos has violated Idaho Code Section 41-247 by failing to promptly furnish requested information to the Department of Insurance.

15. Pursuant to Idaho Code Section 41-1016(1)(b), the Director may impose an administrative penalty not to exceed \$1000 and suspend or revoke a license. In this case, the Department has proposed suspension of Mr. Matos' nonresident producer's license for three to six months and a fine of \$1,000. The Hearing Officer concludes the requested relief is appropriate and concludes that a three month suspension and a \$1,000 fine are appropriate sanctions.

PRELIMINARY ORDER

IT IS HEREBY ORDERED that Mr. Matos' Idaho nonresident producer's license should be suspended for three month and a \$1,000 administrative penalty assessed.

DATED This 31st day of October 31, 2017.



JEAN R. URANGA
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 31st day of October 31, 2017, I served true and correct copies of the foregoing HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND PRELIMINARY ORDER by emailing and depositing copies thereof in the United States mail, postage prepaid, in envelopes addressed to:

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