

Government of the District of Columbia
Department of Insurance, Securities and Banking
810 First St., N.E., Suite 701
Washington, D.C. 20002



IN THE MATTER OF:)	
)	
District of Columbia Department of)	
Insurance, Securities and Banking)	
Petitioner)	
)	
v.)	IB-SC-01-09
)	
Jamal U. Boyd)	
Respondent)	
)	

FINAL DECISION AND ORDER

JURISDICTION

This matter, IB-SC-01-09, came before Leslie E. Johnson, Hearing Officer, District of Columbia Department of Insurance, Securities and Banking (hereinafter "Department" or "Government") on March 25, 2009, in accordance with the provisions of the District of Columbia Administrative Procedure Act (DCAPA), D.C. Official Code § 2-509(2001), the Producer Licensing Act of 2002, (ACT), D.C. Official Code § 31-1131.12, and Chapter 38 of Title 26 of the District of Columbia Municipal Regulations (DCMR), for the purpose, of considering whether the individual insurance producer license (No.1010110) of Jamal U. Boyd should be revoked.

PROCEDURAL HISTORY

A Notice to Show Cause was sent to Jamal U. Boyd on February 17, 2009, informing him of the charges against him and setting a hearing date of March 25, 2009 at 10:00 a.m. After notice was duly given, a Show Cause hearing was held on March 25, 2009 at the Department of Insurance, Securities and Banking, 810 First Street, NE, Washington, D.C.

20002. Rhonda Blackshear, Assistant Attorney General, represented the Government (hereinafter Petitioner). Jamal U. Boyd (hereinafter Respondent) represented himself.

ISSUES CONSIDERED

- (1) Whether Respondent who sought to become a bail bondsmen in the District of Columbia on 11/5/07 was required to be licensed as a District of Columbia insurance producer pursuant to D.C. Official Code § 31-1131-07(a)(8)?
- (2) Whether the Commissioner may revoke Petitioner's District of Columbia insurance producer license, No. 1010110 pursuant to D.C. Official Code §31-1131.12(a)(9)(2001), for revocation of his insurance producer's license by the Maryland Insurance Administration?
- (3) Whether Petitioner's District of Columbia insurance producer's license may be revoked pursuant to D.C. Official Code §31-1131.12(a)(2)(2001) because he failed to report to the Commissioner administrative action against his insurance producer's license in another jurisdiction within thirty (30) days of the final disposition of the matter as required by D.C. Official Code §31-1131.17(a)(2001)?

EVALUATION AND ANALYSIS OF THE EVIDENCE

Evaluation

D.C. Official Code §31-1131.07(a)(8), effective May 13, 2008 states:

- (a) Unless denied licensure under §31-1131.1, persons who have met the requirements of §§31-1131.05 and 31-1131.06 shall be issued a resident insurance producer license. An insurance producer may receive qualification for a license in one or more of the following lines of insurance permitted under law or regulations:

■ ■ ■

- (8) Bail bonds, consisting of insuring or guaranteeing that a person will attend court when required, or will obey the order or judgment of a court, as a condition to the release of the person from confinement.

D.C. Official Code §31-1131.12(a)(2) and (9) state:

- (a) The Commissioner may place an insurance individual or business entity producer on probation; suspend, revoke, or refuse to issue or renew an insurance producer's license; may levy a civil penalty in accordance with subsection (d) of this section; may issue subpoenas and administer oaths; or take any combination of these actions if an insurance producer:

• • •

(2) Violates any insurance laws or any regulation, subpoena, or order of the Commissioner or of another state's insurance commissioner;

• • •

(9) Has insurance producer license, or its equivalent, denied suspended, or revoked in any state or territory of the United States, province of Canada, or other foreign country;

D.C. Official Code §31-1131.17(a) states:

(a) An insurance producer shall report to the Commissioner any administrative action taken against the insurance producer in another jurisdiction or by another governmental agency in the District within 30 days of the final disposition of the matter. The report shall include a copy of the order, consent to order, or other relevant legal documents.

In the instant case, the only witness to testify on behalf of the Petitioner was Andres Izaguirre, Fraud Investigator for the Department of Insurance, Securities and Banking (DISB). He testified that he began an investigation of Respondent's case on August 8, 2008. He stated that the Maryland Insurance Administration revoked Respondent's insurance producer license on December 17, 2007 and Respondent did not report the revocation to the D.C. Department of Insurance, Securities and Banking (DISB).

Mr. Izaguirre referred to Government's Exhibits 1, 2 and 3 throughout his testimony. These evidentiary documents were moved and made a part of the record with no objections by the Respondent. They indicated that Respondent had an insurance producer's license in the District of Columbia (license #1010110, effective 11/8/07, expires 8/31/09); the state of Maryland had taken administrative action against Respondent by revoking his insurance producer's license for failure to comply with a previous Order and demonstrated lack of fitness or trustworthiness and that Respondent did not self-report the Maryland insurance producer revocation to DISB. Mr. Izaguirre testified that he found no evidence that Respondent had reported his Maryland license revocation to DISB.

Respondent testified on his own behalf. He indicated that it was his sole intent to become a bail bondsmen in the District of Columbia. During cross-examination Respondent stated that he never received a license certification from the District of Columbia and that he did not know he was licensed as a property and casualty insurance producer until he went to DISB to take the bail bondsmen test. He also testified that he did not tell anyone in the District of Columbia that his insurance producer license had been revoked in Maryland.

There was no evidence or testimony produced by the Respondent or Petitioner that Respondent was engaged in either bail bondsmen or insurance producer work in the District of Columbia.

Exhibits

Government's Exhibit #1:

Interoffice Referral Memorandum for Respondent Jamal U. Boyd.

Government's Exhibit #2:

Maryland Order issued against Respondent, Case No. MIA-2007-12-013.

Government's Exhibit #3:

National Association of Insurance Commissioners (NAIC) State Producer Licensing Report for Respondent, Jamal U. Boyd.

Analysis

Issue 1:

Whether Respondent who sought to become a bail bondsmen in the District of Columbia on 11/5/07 was required to be licensed as a District of Columbia insurance producer pursuant to D.C. Official Code § 31-1131.07 (a) (8)?

The Department of Insurance, Securities and Banking records reflect that Respondent took the professional bail bondsmen examination on 11/5/07, and passed it with a score of 79% on that date. The record also reflects that DISB issued Respondent an insurance producer license #1010110 (See Government's Exhibit 1) on 11/8/07. This license is scheduled to expire on 8/31/09.

In November of 2007 there was no legal requirement in the District of Columbia that an individual must be licensed as an insurance producer in order to work as a bail bondsmen. On May 13, 2008, the law changed when D.C. Official Code §31-1131.07 (a) (8), Law 17-155 became effective. It required that a person who conducts bail bondsmen work in the District of Columbia must first become licensed as an insurance producer. Persons wishing to engage in bail bondsman work in the District of Columbia must also comply with D.C. Official Code §23-1108, and the rules promulgated thereunder.

In the instant case, the Respondent testified that he had not received certification from DISB that he was licensed as an insurance producer. He also stated that he was not aware that he had been licensed as a property and casualty insurance producer until he appeared at DISB to take the bail bondsmen examination. There was no evidence or testimony produced by the Respondent or Petitioner that Respondent was engaged in either bail bondsmen or insurance producer work in the District of Columbia.

Accordingly, the Hearing Officer finds that Respondent who sought to become a bail bondsmen in the District of Columbia on 11/5/07, was not required to be licensed as an insurance producer pursuant to D. C. Official Code § 31-1131.07(a)(8).

Issue 2:

Whether the Commissioner may revoke Petitioner's District of Columbia insurance producer license No. 1010110 pursuant to D.C. Official Code §31-1131.12(a)(9)(2001), for revocation of his insurance producer's license by the Maryland Insurance Administration?

Since the Hearing Officer has found under issue #1 that Respondent was not required to have a District of Columbia insurance producer's license on 11/5/07 when he sought to become a bail bondsmen, this issue is rendered moot and is therefore dismissed.

Issue 3:

Whether Petitioner's District of Columbia insurance producer's license may be revoked pursuant to D.C. Official Code §31-1131.12(a)(2)(2001) because he failed to report to the Commissioner administrative action against his insurance producer's license in another jurisdiction within thirty (30) days of the final disposition of the matter as required by D.C. Official Code §31-131.17(a)(2001)?

Since the Hearing Officer has found under issue #1 that Respondent was not required to have an insurance producer's license on 11/5/07 when he sought to become a bail bondsmen, this issue is rendered moot and is therefore dismissed.

FINAL FINDINGS OF FACT

The Hearing Officer makes the following findings of fact based on the record as a whole:

1. A Notice to Show Cause was sent to Jamal U. Boyd on February 17, 2009, informing him of the charges against him and setting a hearing date of March 25, 2009 at 10:00 a.m.
2. After notice was duly given, a Show Cause hearing was held on March 25, 2009 at the Department of Insurance, Securities and Banking, 810 First Street, NE, Washington, D.C. 20002. Rhonda Blackshear, Assistant Attorney General, represented the Government (hereinafter Petitioner). Jamal U. Boyd (hereinafter Respondent) represented himself.
3. The only witness to testify on behalf of the Petitioner was Andres Izaguirre, Fraud Investigator for the Department of Insurance, Securities and Banking (DISB). He testified he began an investigation of Respondent's case on August 8, 2008. He stated that the

Maryland Insurance Administration revoked Respondent's insurance producer license on December 17, 2007 and Respondent did not report the revocation to the D.C. Department of Insurance, Securities and Banking (DISB).

4. Mr. Izaguirre referred to Government's Exhibits 1, 2 and 3 throughout his testimony. These evidentiary documents were moved and made a part of the record with no objections by the Respondent. They indicated that Respondent had an insurance producer's license in the District of Columbia (license #1010110, effective 11/8/07, expires 8/31/09); the state of Maryland had taken administrative action against Respondent by revoking his insurance producer's license for failure to comply with a previous Order and demonstrated lack of fitness or trustworthiness and that Respondent did not self-report the Maryland insurance producer revocation to DISB. Mr. Izaguirre testified that he found no evidence that Respondent had reported his Maryland license revocation to DISB.

5. Respondent testified on his own behalf. He indicated that it was his sole intent to become a bail bondsmen in the District of Columbia. During cross-examination Respondent stated that he never received a license certification from the District of Columbia and that he did not know he was licensed as a property and casualty insurance producer until he went to DISB to take the bail bondsmen test. He also testified that he did not tell anyone in the District of Columbia that his insurance producer license had been revoked in Maryland.

6. There was no evidence or testimony produced by the Respondent or Petitioner that Respondent was engaged in either bail bondsmen or insurance producer work in the District of Columbia.

FINAL CONCLUSIONS OF LAW

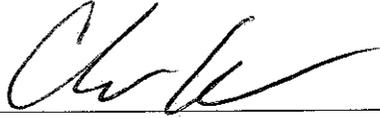
After a careful evaluation of the evidence and findings of fact, the Hearing Officer concludes, as a matter of law:

1. Respondent who sought to become a bail bondsmen on 11/5/07, was not required to become a licensed District of Columbia insurance producer pursuant to D.C. Official Code § 31-1131.07(a)(8).
2. Since Respondent was not required to have a District of Columbia insurance producer's license on 11/5/07 when he sought to become a bail bondsmen, the issue as to whether Respondent's license can be revoked pursuant to D.C. Official Code §31-1131.12 (a)(9)(2001) for revocation of his insurance producer's license by the Maryland Insurance Administration is rendered moot and is therefore dismissed.
3. Since Respondent was not required to have an insurance producer's license on 11/5/07 when he sought to become a bail bondsmen, the issue as to whether Respondent's District

of Columbia insurance producer license can be revoked for violating D.C. Official Code §31-1131.17(a)(2001) by failing to report to the Commissioner administrative action against his insurance producer's license in another jurisdiction within thirty (30) days of the final disposition of the matter is rendered moot and is therefore dismissed.

FINAL ORDER

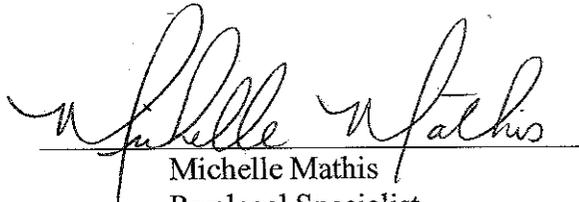
IT IS HEREBY ORDERED that Respondent Jamal U. Boyd's insurance producer license #1010110 **IS NOT REVOKED**. **IT IS FURTHER ORDERED** that case #IB-SC-01-09 against Respondent Jamal U. Boyd is **HEREBY DISMISSED** for the aforementioned reasons.



Christopher Weaver
Deputy Commissioner
Department of Insurance, Securities and Banking
Dated: This 20th day of October, 2009.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Final Decision and Order was sent by Certified U.S. Mail, return receipt requested, to Jamal U. Boyd, 4218 Blagden Avenue, Washington, DC 20012 on this 20th day of October, 2009..



Michelle Mathis
Paralegal Specialist