

STATE OF ARIZONA

DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

In the Matter of:

ADRIAN MANNS

(National Producer License No. 15760350)

Respondent

No. 22A-029-INS

ORDER

On January 9, 2023, the Office of Administrative Hearings, through Administrative Law Judge Velve Moses-Thompson, issued an Administrative Law Judge Decision (“Recommended Decision”). The Director of the Arizona Department of Insurance and Financial Institutions (“Director”) received the Recommended Decision on the same date, a copy of which is attached and incorporated by reference. Respondent failed to accept the Recommended Decision within ten days of receipt. Therefore, the Director has reviewed the Recommended Decision and enters the following:

1. The Director ADOPTS the Recommended Findings of Fact, except to correct the following:
  - a) Page 3 line 20 should read, “Upon reviewing the separate Humana enrollment forms **for** the Davises”
  - b) Page 5 line 17 should read, “Department responded, ‘Only to the extent that Mr. **Manns** answers a question’”
  - c) Page 6 line 13 should read, “Search of “Adrian **Manns** Insurance Agent Phoenix” that brought about”
2. The Director ADOPTS the Recommended Conclusions of Law.
3. The Director ADOPTS the Recommended Order, and

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4. The Director ORDERS that:

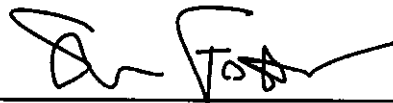
Adrian Manns' Arizona resident insurance producer license, number **15760350**, is revoked effective immediately.

**NOTIFICATION OF RIGHTS**

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondent may request a rehearing or review with respect to this Order by filing a written motion with the Director within 30 days after the date of this Order, setting forth the basis for relief under Arizona Administrative Code R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to the Superior Court.

Respondent may appeal the final decision of the Director to the Superior Court of Maricopa County for judicial review, pursuant to A.R.S. § 20-166. A party filing an appeal must notify the Office of Administrative Hearings of the appeal within ten days after filing the complaint commencing the appeal, pursuant A.R.S. § 12-904(B).

DATED and EFFECTIVE this 2<sup>nd</sup> day of February, 2023.



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Shane Foster, Acting Director  
Arizona Department of Insurance and  
Financial Institutions

1 **ORIGINAL** of the foregoing filed electronically  
2 this 2<sup>nd</sup> day of **February**, 2023, to:

3 Velva Moses-Thompson, Administrative Law Judge  
4 <https://portal.azoah.com/submission>  
Office of Administrative Hearings

5 **COPY** of the foregoing delivered the same date, to:

6 Deian Ousunov, Assistant Director  
7 Gio Espinosa, Regulatory Legal Affairs Officer  
8 Ana Starcevic, Paralegal Project Specialist  
9 Steven Fromholtz, Licensing Division Manager  
10 Linda Lutz, Legal Assistant  
11 Wendy Greenwood, Investigations Supervisor  
Arizona Department of Insurance and Financial Institutions  
100 North 15th Avenue, Suite 261  
Phoenix, Arizona 85007

12 **COPY** mailed the same date by U.S First Class and  
13 Certified Mail, Return Receipt Requested, to:

(Receipt No. \_ 9489 0090 0027 6486 6713 41 \_)

14 Adrian Manns  
15 8016 South 5<sup>th</sup> Line  
16 Phoenix, Arizona 85041-8115  
*Respondent*

17 **COPY** sent via electronic mail  
18 the same date, to:

19 Adrian Manns  
20 [adrianmanns78@yahoo.com](mailto:adrianmanns78@yahoo.com)  
*Respondent*

21 James Rolstead, Assistant Attorney General  
22 [James.Rolstead@azag.gov](mailto:James.Rolstead@azag.gov)  
23 [AdminLaw@azag.gov](mailto:AdminLaw@azag.gov)  
*Attorney for the Department*

24 *Ana Starcevic*  
25  
26

**IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

In the Matter of:

**No. 22A-029-INS**

Adrian Manns  
(National Producer License No. 15760350)  
Respondent.

**ADMINISTRATIVE LAW JUDGE  
DECISION**

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**HEARING:** December 19, 2022

**APPEARANCES:** Respondent Adrian Manns appeared on behalf of himself.  
Assistant Attorney General James Rolstead appeared on behalf of the Arizona  
Department of Insurance and Financial Institutions (Department).

**ADMINISTRATIVE LAW JUDGE:** Velva Moses-Thompson

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**FINDINGS OF FACT**

1. In 2010, the Department issued to Respondent an Arizona resident insurance producer license with lines of authority in life insurance, and accident and health or sickness insurance. The license is scheduled to expire on February 28, 2026.

2. On May 10, 2010, Respondent's business and mailing address of record with the Department was 8016 South 5th Lane, Phoenix, AZ 85041-8115. Respondent's e-mail address of record is adrianmanns78@yahoo.com.

3. Respondent is licensed as a non-resident producer in the states of California, Florida, Illinois, Indiana, Oregon, New York and Texas.

4. On November 11, 2021, Ellen Davis submitted a complaint to the Department alleging that Respondent enrolled her and her husband, Ross "Lawrence" Davis, (the Davises), in a Humana Medicare Advantage Plan for the plan year 2022 (2022 Plan) without their consent.

5. The Department notified Humana Insurance Company (Humana) of the complaint and requested records related to the Davises' Medicare Advantage enrollments by Respondent.

1           6.       Humana's response included a narrative statement and copies of the  
2       Davises' enrollment forms and policy applications. Humana also provided statements  
3       they obtained from Respondent during their internal investigation of the Davis  
4       complaint.

5           7.       Humana stated that their "Agent Investigation Unit determined that the  
6       allegation [Davis complaint] is unfounded." See Exhibit 4. Human also stated,  
7       "Mr. Lawrence Davis and Mrs. Davis Ellen Davis were enrolled in the Humana Gold  
8       Plus HMO for the 2022 plan year... This plan has been cancelled." See id.

9           8.       Mrs. Davis told the Department in a phone call that no one from Humana  
10       contacted her to inquire about her complaint.

11          9.       In an email that Respondent sent to Humana on November 30, 2021  
12       (November 30<sup>th</sup> Email), Respondent stated:

13                "I initiated a call to existing member Ellen Davis on 10/22/21  
14                at 8am . . . During this call we [set] an in home appointment  
15                same day at 9am. At the in home appointment, I shared and  
16                explained to both Ellen Davis and Lawrence Davis the  
17                Enrollment Kit & Summary of Benefits for the Gold Plus 2022  
18                ... With both Ellen Davis and Lawrence Davis concurrence, I  
19                presented the Scope of Appointments and proceeded with the  
20                electric enrollment application .... [In] fact Ellen mentioned  
21                she was moving out of state due to aging and family illness. I  
22                gave her options on her Medicare advantage plan should she  
23                move."

24          10.       On December 17, 2021, the Department sent Respondent an email  
25       requesting a response to the Davises' complaint and a copy of his agency file relating to  
26       the sale of the 2022 Plan.

27          11.       Respondent responded the same day with the identical statement he  
28       submitted to Humana in his November 30th Email.

29          12.       On December 20, 2021, Respondent sent the Department the Davises'  
30       enrollment forms for the 2022 Plan. The Davises provided the Department with copies  
31       of text and email messages from Respondent that appear to contradict statements he

1 made in his December 17, 2021 email response to the Department. The email  
2 messages included the following:<sup>1</sup>

3 10/22/2021 at 10:17 a.m.: Mr. Davis wrote, inter alia, to  
4 Respondent, "Adrian, We have moved to Oklahoma to be  
5 near our son and his family. An opportunity to find a home  
6 blocks from him came up and we made a hasty move. Thank  
7 you for your excellent service while we were in Arizona....."

8 10/22/2021 at 12:35 p.m.: Respondent wrote, inter alia, to the  
9 Davises, "That' is excellent ... Humana is in Oklahoma and in  
10 fact I can still be your agent there. Did you look into plans  
11 already no worries if u have?"

12 13. On October 22, 2021, Respondent wrote to the Davises:<sup>2</sup>

13 I had already [updated]". See Exhibit 7.

14 14. On October 23, 2021, Mrs. Davis wrote to Respondent:

15 Humana here is not as good as Az. More inner city and far  
16 from our location. Our other alternative is just minutes away  
17 with better facilities.

18 15. On October 23, 2021, Respondent wrote, inter alia, to the Davises:<sup>3</sup>

19 Sounds good. Please contact Humana disenrollment when u  
20 can . . . and have the AZ Medicare Advantage Plan canceled  
21 effective 01/01/2022. I wish I have known I wouldn't have put  
22 in the system. My apologies for the inconvenience now.

23 16. Upon reviewing the separate Humana enrollment forms the Davises, the  
24 Department observed the following:<sup>4</sup>

- 25 • Page one of each form contained a "Decision Maker" section  
26 that asks, "Please tell us who is completing your enrollment  
27 form." The radio button selected for each form indicates, "I'm  
28 completing my enrollment form on my own."
- 29 • Page three of each form confirmed the Davises' address as  
30 25061 W. Vista Norte St., Buckeye, AZ 85326.

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1 See Exhibit 7.

2 See Exhibit 7.

3 See Exhibit 7.

4 See Exhibit 8.



1           24.    On February 10, 2022, the Department sent Respondent an email stating  
2 the Examination would be rescheduled to early April and asked he required another  
3 subpoena or if he was willing to appear voluntarily.

4           25.    Respondent responded the following day that he would appear voluntarily.

5           26.    On February 11, 2022, the Department sent Respondent an email  
6 rescheduling the Examination to April 7, 2022.

7           27.    On March 8, 2022, attorney Colin Bell emailed the Department his Notice  
8 of Representation of Respondent and requested a copy of the complaint, supporting  
9 documents and all investigative materials.

10          28.    On March 9, 2022, the Department sent Mr. Bell a copy of the complaint  
11 but declined to release additional information from the case file while the investigation is  
12 pending.

13          29.    The Department confirmed when the Examination was scheduled and  
14 asked if another subpoena was needed.

15          30.    On March 18, 2022, Mr. Bell emailed the Department asking about the  
16 scope of the interview and if it would extend to matters outside of the complaint. The  
17 Department responded, "Only to the extent that Mr. Respondent answers a question  
18 that raises additional question(s) that may be outside the scope of the Davis complaint."

19          31.    On March 29, 2022, Mr. Bell advised the Department that he has a  
20 hearing that conflicts with the Examination and asked to reschedule. He also stated,  
21 "Additionally, because this is an investigative interview, I'm curious if you've had the  
22 opportunity to speak with the complainants' son and Humana."

23          32.    The Department responded that same day with availability for a new  
24 Examination date and advised that the investigation would be discussed with him and  
25 Respondent during the interview.

26          33.    On April 1, 2022, Mr. Bell sent the Department an email stating he was  
27 available on April 14, 2022.

28          34.    The Department responded that same day that the Examination would be  
29 scheduled for April 14, 2022.  
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1           35.    On April 12, 2022, Mr. Bell sent the Department an email stating, "A  
2 matter has come up on Thursday from which I cannot extricate myself to be in  
3 attendance at the interview. My only availability after that is not until the week of April 25  
4 - 29 ... I apologize for the inconvenience."

5           36.    On April 22, 2022, the Department sent Mr. Bell an email stating the  
6 Examination was rescheduled to May 5, 2022.

7           37.    On May 5, 2022, Mr. Bell sent the Department an email stating, "My client  
8 and I will not be attending the interview. Adrian and I have serious concerns about  
9 moving forward without seeing the Board's evidence. Adrian understands that this may  
10 result in the immediate suspension of his license, however, neither he or I are  
11 comfortable participating in an adversarial interview given the circumstances."

12           38.    On April 10, 2022, the Department's investigator conducted a Google  
13 Search of "Adrian Respondent Insurance Agent Phoenix" that brought about a results  
14 page with a business profile information panel (the panel) showing images of  
15 Respondent as "The Medicare Pro . . . Insurance broker in Phoenix, Arizona" (The  
16 Medicare Pro).

17           39.    The panel provided a link to The Medicare Pro website. Page eight of The  
18 Medicare Pro website provided the following statement: "Medicare Pro is a \$0month  
19 Medicare Advantage plan with \$0 copays for generic medications at independent  
20 pharmacies." Additional information for The Medicare Pro from the search results page  
21 included location (Camelback Colonnade) and address (1801 E. CamelbackRd., Ste.  
22 102, #1046, Phoenix, AZ 85016). The address and location provided is a Staples store  
23 located in Camelback Colonnade. It appears the "1046" represents a personal mailbox  
24 number. This is not the mailing address of record for Respondent. 15 35. The Medicare  
25 Pro is not a licensed insurance producer (business entity) or a registered trade name  
26 (DBA) with the Department.

27           40.    On August 15, 2022, the Department issued a **NOTICE OF HEARING AND**  
28 **COMPLAINT (NOTICE)** to Respondent. The Notice provided that the issue set for  
29 determination was whether grounds exist to revoke Respondent's insurance producer  
30 license.

1           41.     At hearing, the Department presented the testimony of its Licensing  
2 Supervisor, Wendy Greenwood. Ms. Greenwood testified to the above stated facts.  
3 Respondent testified on behalf of himself and presented the testimony of Heyward  
4 Jackson and Christi Kannon.

5           42.     Respondent denied that he signed the Davises names on the applications  
6 in Exhibit 8. Respondent stated that he mistakenly wrote that he conducted an In-home  
7 appointment with the Davises. Respondent stated that he met virtually with Mrs. Davis  
8 by text and phone on October 22, 2021. When asked on cross-examination whether he  
9 e-mailed an insurance application to Mrs. Davis, Respondent responded, "yes."  
10 Respondent stated that Mrs. Davis was never enrolled in a Humana plan for 2022.

11           43.     Mrs. Davis denied that she met with Respondent in her home on October  
12 22, 2021. Mrs. Davis denied applying for Humana insurance on October 22, 2021.  
13 Mrs. Davis denied that she and her husband signed the application in Exhibit 8.  
14 Mrs. Davis stated that she notified Respondent on October 22, 2021 that she had  
15 moved to Oklahoma and wanted to cancel her insurance. Mrs. Davis enrolled in  
16 Community Care. Mrs. Davis received a letter from Community Care that she was  
17 enrolled in two insurance plans.

18           44.     Based on the evidence presented at hearing, the Administrative Law  
19 Judge finds Respondent's testimony that he did not sign the Davises names on the  
20 insurance applications to be unconvincing. It is undisputed that the Davises had moved  
21 to Oklahoma at the time that the insurance applications were signed and Respondent  
22 offered no other plausible explanation for the signatures found in Exhibit 8.

23           45.     I find Mrs. Davis's testimony to be credible.

**CONCLUSIONS OF LAW**

24           1.     The Department bears the burden of persuasion. A.R.S. § 41-  
25 1092.07(G)(2).

26           2.     The standard of proof on all issues is that of a preponderance of the  
27 evidence. Ariz. Admin. Code § R2-19-119.

28           3.     A preponderance of the evidence is:  
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1 The greater weight of the evidence, not necessarily established  
2 by the greater number of witnesses testifying to a fact but by  
3 evidence that has the most convincing force; superior  
4 evidentiary weight that, though not sufficient to free the mind  
5 wholly from all reasonable doubt, is still sufficient to incline a fair  
6 and impartial mind to one side of the issue rather than the other.  
7 BLACK'S LAW DICTIONARY 1373 (10th ed. 2014).

8 4. The preponderance of the evidence shows that Respondent failed to  
9 comply with a subpoena issued by the Director of the Department, which is a violation of  
10 A.R.S. § 20-295(A)(2).

11 5. The preponderance of the evidence shows that Respondent intentionally  
12 misrepresented the terms of an actual or proposed insurance contract or application for  
13 insurance, which is a violation of A.R.S. § 20-295(A)(5).

14 6. The preponderance of the evidence shows that Respondent used  
15 dishonest practices in the conduct of business in the State of Arizona or elsewhere,  
16 which is a violation of A.R.S. § 20-295(A)(8).

17 7. The preponderance of the evidence shows that Respondent forged  
18 another's name to documents related to an insurance transaction, which is a violation of  
19 A.R.S. § 20-295(A)(10).

20 8. The preponderance of the evidence shows that Respondent violated A.R.S.  
21 § 20-443(A)(1).

22 9. Respondent's conduct constitutes a violation of ARIZ. REV. STAT., Title 20,  
23 which provides grounds for the Director of the Department to revoke Respondent's  
24 license. See A.R.S. § 20-295(A).

25 **RECOMMENDED ORDER**

26 **IT IS ORDERED** that Respondent Adrian Mann's License No. 15760350 is  
27 revoked.

28 *In the event of certification of the Administrative Law Judge Decision by the*  
29 *Director of the Office of Administrative Hearings, the effective date of the Order is five*  
30 *days after the date of that certification.*

1 Done this day, January 9, 2023.

2  
3 /s/ Velva Moses-Thompson  
4 Administrative Law Judge

5 Transmitted electronically to:

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