

**BEFORE ALLAN L. MCVEY
INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA**

IN RE: HASSAN EID

ADMINISTRATIVE NO.: 20-PLTER-02009

FINAL ORDER

The undersigned, Insurance Commissioner of the State of West Virginia, does hereby adopt and approve the Recommended Decision of the Hearing Examiner, appended hereto, as well as the findings of fact and conclusions of law therein contained. It is consequently ORDERED that Respondent, HASSAN EID, violated W.Va. Code § 33-12-12(e), W.Va. Code § 33-12-34(a), W.Va. Code § 33-12-24(b)(2) and W.Va. Code § 33-12-24(b)(10). Pursuant to W.Va. § 33-12-24(b) it is ORDERED that HASSAN EID non-resident producer license be revoked and he be fined \$4,000.00 and assessed the taxable costs for this proceeding of \$983.50.

The objections of any party aggrieved by this Order and to the Recommended Decision herein adopted is preserved.

ENTERED this 1ST day of August, 2022.



ALLAN L. MCVEY CPCU, ARM, AAI, AAM, AIS
Insurance Commissioner

**BEFORE ALLAN L. MCVEY
INSURANCE COMMISSIONER
STATE OF WEST VIRGINIA**

IN RE: HASSAN EID

ADMINISTRATIVE NO.: 20-PLTER-02009

**RECOMMENDED DECISION
OF THE HEARING EXAMINER**

On June 2, 2022, a hearing was held before Hearing Examiner Mark W. Carbone, Esquire, by telephone. There then being present on behalf of the West Virginia Offices of the Insurance Commissioner: Jeffrey C. Black Esq., Robert Grishaber, Director of Licensing and Education. Hassan Eid (Hereinafter “Respondent”) did not make an appearance.

Statement of the Case

This matter arises out of the Administrative Complaint filed against concerning the fact that he had his license revoked in several states, including his home state of Florida without informing the West Virginia Offices of the Insurance Commissioner as required.

Findings of Fact

1. The Respondent held an active non-resident producer license in West Virginia. The Respondent’s National Producer License number is #7871207. The Respondent’s address on file with the West Virginia Offices of the Insurance Commissioner is 3200 Port Royale Dr. N. Apartment 303, Fort Lauderdale, Florida 33308-7802.
2. West Virginia Code §33-12-12(e) requires that whenever the home state of a

producer revokes, suspend or terminates his license, the producer must report that action to the West Virginia Offices of the Insurance Commissioner and surrender his non-resident producer license.

3. On or about March 30, 2022, the Chief Financial Officer of the state of Florida entered an order of revocation of the Respondent's resident producer license. (Tr. P. 5; Ex. 3)

4. Robert Grishaber, as Director of Licensing and Education, is the custodian of records for agent licensing. (Tr. P. 6) Mr. Grishaber testified that the Respondent held a West Virginia non-resident Producer license until it was suspended by the Commissioner on May 3, 2022. Mr. Grishaber also stated that his office did not get any notice from the Respondent of the revocation of his home producer license in Florida or about any other state that had taken action against the Respondent's license. (Tr. 8-9)

5. According to Mr. Grishaber's testimony, the Respondent failed to return his West Virginia non-resident producer license when his resident producer license was revoked by the State of Florida. (Tr. P. 9-10)

6. On May 6, 2022, the West Virginia Offices of the Insurance Commissioner sent the Respondent, via certified mail, an Administrative packet to the address on file.¹ The Administrative packet contained an Administrative Complaint, a Notice of Hearing and a Suspension Order suspending the Respondent's non-resident producer license. (Tr. P. 5-6; Ex. 1,2)

7. The Administrative Complaint alleged that the Respondent violated West Virginia Code § 33-12-12(e), West Virginia Code § 33-12-34(a), West Virginia Code §33-12-24(b)(2),

¹All Producers are required to maintain a current address with the West Virginia Offices of the Insurance Commissioner.

West Virginia Code § 33-12-24(b)(10) and West Virginia Code § 33-12-24(e) (Ex. 1)

8. The Complaint listed ten counts being brought against the Respondent. These counts arose out of the revocation of the Respondent's home producer license by the state of Florida. In addition to the action taken by the state of Florida, the states of Kentucky, California, Delaware, Indiana, Louisiana, North Carolina and New Mexico took administrative action against the Respondent's license in those states. (Tr. P. 6-7; Ex. 1)

9. The Respondent failed to notify the West Virginia Offices of the Insurance Commissioner of the administrative actions of these states taken against the Respondent's license in those states. (Tr. P. 9-10)

Issue

Whether the Respondent violated West Virginia Code § 33-12-12(e), West Virginia Code § 33-12-34(a), West Virginia Code § 33-12-24(b)(2), West Virginia Code § 33-12-24(b)(10) and West Virginia Code § 33-12-24(e) and if so, what should be the remedy.

Burden of Proof

The West Virginia Offices of the Insurance Commissioner has the burden of proof to prove, by a preponderance of the evidence, that the Respondent violated West Virginia Code § 33-12-12(e), West Virginia Code § 33-12-34(a), West Virginia Code § 33-12-24(b)(2), West Virginia Code § 33-12-24(b)(10) and West Virginia Code § 33-12-24(e).

Jurisdiction

The West Virginia Offices of the Insurance Commissioner has jurisdiction over this matter pursuant to Article 12, Chapter 33 of the West Virginia Code.

Analysis

The Administrative Complaint, filed by the West Virginia Offices of the Insurance Commissioner against the Respondent, alleged that the Respondent violated West Virginia Code § 33-12-34(a) when he failed to report the various administrative actions filed against his license.

West Virginia Code § 33-12-34(a) states as follows:

A producer shall report to the Insurance Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent to order or other relevant legal documents.

The Complaint listed the states of Kentucky, California, Delaware, Indiana, Louisiana, North Carolina and New Mexico as jurisdictions that have taken administrative actions against the Respondent's license.

Mr. Grishaber testified that, after reviewing the administration actions by the states of Kentucky, California, Delaware, Indiana, Louisiana, North Carolina and New Mexico, he then reviewed the records maintained by his office as Director of Licensing and Education and determined that the Respondent had not reported any of these violations.

This evidence proves, by a preponderance of the evidence, that the Respondent violated West Virginia Code § 33-12-34(a).

In addition to allegations that the Respondent violated West Virginia Code § 33-12-34(a), the Complaint also alleged that the Respondent violated West Virginia Code § 33-12-24(b)(2) and West Virginia Code § 33-12-24(b)(10). West Virginia Code § 33-12-24(b)(2) and West Virginia Code § 33-12-24(b)(10) state as follows.

(2) Violating any insurance laws, or violating any regulation, subpoena or

order of the Insurance Commissioner or of another state's Insurance Commissioner;

...

(10) Having an insurance producer license, solicitor license, excess line broker license or its equivalent, denied, suspended or revoked in any other state, province, district or territory.

The West Virginia Offices of the Insurance Commissioner proved, by a preponderance of the evidence, that the Respondent violated the insurance laws of the states of Kentucky, California, Delaware, Indiana, Louisiana, North Carolina and New Mexico. By proving that these violations occurred in these states, the West Virginia Offices of the Insurance Commissioner proved that the Respondent violated West Virginia Code § 33-12-24(b)(2).

By proving, by a preponderance of the evidence that the Respondent had his non-resident license revoked by the above listed states, the West Virginia Offices of the Insurance Commissioner proved that the Respondent violated West Virginia Code § 33-12-24(b)(10).

Once it is determined that the Respondent violated West Virginia Code § 33-12-34(a), West Virginia Code § 33-12-24(b)(2) and West Virginia Code § 33-12-24(b)(10), then West Virginia Code § 33-12-24(b) would determine the possible penalties. This Code section states as follows:

The Insurance Commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license, solicitor's license or excess line broker's license, or may levy a civil penalty or any combination of actions, for any one or more of the following causes:

One of the requirements under West Virginia Code § 33-12-12(e) is that the holder of non-resident producer license must report any action taken against his resident license to the West Virginia Offices of the Insurance Commissioner. It states as follows:

(e) If the insurance department of the nonresident insurance producer's resident state suspends, terminates, or revokes the producer's insurance license in that state, the nonresident insurance producer shall notify the commissioner and shall return the West Virginia nonresident license.

Mr. Grishaber also stated that the Respondent did not report the revocation of his resident producer license by the state of Florida.

In addition to not reporting these administrative actions, the testimony of Mr. Grishaber proved that the Respondent failed to return his non-resident producer license to the West Virginia Offices of the Insurance Commissioner as required under West Virginia Code §33-12-12(e).

Since the West Virginia Offices of the Insurance Commissioner proved that the Respondent violated West Virginia Code § 33-12-12(e), then the Commissioner can suspend or revoke the Respondent under West Virginia Code § 33-12-24(b)(2) and West Virginia Code § 33-12-24(b)(10).

Conclusions of Law

1. The West Virginia Offices of the Insurance Commissioner has jurisdiction over non-resident producers by virtue of West Virginia Code § 33-12-24(a).
2. The West Virginia Offices of the Insurance Commissioner has the burden of proof to prove, by a preponderance of the evidence, that the Respondent violated West Virginia Code § 33-12-12(e), West Virginia Code § 33-12-34(a), West Virginia Code § 33-12-24(b)(2), and West Virginia Code § 33-12-24(b)(10).
3. West Virginia Code § 33-12-34(a) requires any producer licensed in the state of West Virginia to report any administrative action against their license by any state within thirty days.

4. Under West Virginia Code § 33-12-12(e) if a producer's resident state license is revoked, the non-resident producer must notify the West Virginia Offices of the Insurance Commissioner of the revocation and must return his non-producer license.

5. The Respondent failed to notify the West Virginia Offices of the Insurance Commissioner when the states of Kentucky, California, Delaware, Indiana, Louisiana, North Carolina and New Mexico took administrative actions against his license in those states. Thus violating West Virginia Code § 33-12-34(a).

6. The Respondent violated West Virginia Code § 33-12-12(e) when he failed to notify the West Virginia Offices of the Insurance Commissioner that his Florida resident producer license was revoked. He also violated West Virginia Code § 33-12-12(e) when he failed to return his non-resident producer license.

7. The West Virginia Offices of the Insurance Commissioner is empowered to revoke the Respondent's non-resident license and issue a civil penalty under West Virginia Code § 33-12-24(b) and West Virginia Code §33-12-24(e).

Recommended Decision

It is recommended that Hassan Eid be found to have violated W.Va. Code § 33-12-12(e), W.Va. Code § 33-12-34(a), W.Va. Code § 33-12-24(b)(2) and W.Va. Code. § 33-12-24(b)(10). Pursuant to W.Va. Code § 33-12-24(b) that his non-resident license be revoked and he be fined \$4,000.00 and the taxable costs for this proceeding of \$983.50.

Respectfully recommended,



MARK W. CARBONE
HEARING EXAMINER

Date: July 28, 2022