# STATE OF COLORADO

**DEPARTMENT OF REGULATORY AGENCIES** 

Tambor Williams
Executive Director

DIVISION OF INSURANCE David F. Rivera Commissioner of Insurance 1560 Broadway, Suite 850 Denver, CO 80202

November 30, 2005

TOF-COLOR

Bill Owens Governor

Donald Day 711 Harrison Ave Unit D2 Leadville, CO 80461

**RE:** Final Agency Order regarding your Insurance Producer License

Dear Mr. Day:

The Division of Insurance Hearing Officer, Tom Abel, entered an Initial Decision in the captioned proceeding on October 28, 2005. No exceptions were filed, and the initial decision became the Final Agency Order of the Division of Insurance on November 28, 2005.

Your license and authority to write insurance in the State of Colorado has been suspended effective November 28, 2005.

You are also required to pay the license continuation fee, as provided by, § 10-2-413, C.R.S., during the suspension period. Your license will be discontinued pursuant to § 10-2-408(4), C.R.S. if you fail to timely pay the license continuation fee.

Pursuant to § 24-4-106(4), C.R.S., a party wishing to seek judicial review of the Division of Insurance's Final Agency Order must commence an action for judicial review in the Denver District Court within thirty (30) days of the date of this Final Agency Order. If you do not timely commence judicial review you may be barred from seeking any judicial relief from this Final Agency Order.

Sincerely.

Georgé Mozealous

cc: Steve Smith, Asst. A.G.

### BEFORE THE COLORADO DIVISION OF INSURANCE

STATE OF COLORADO

Division Tracking No. 158739

Division Order No. PL-06-139

#### INITIAL DECISION AND RECOMMENDATIONS

IN THE MATTER OF THE ORDER TO SHOW CAUSE WHY THE INSURANCE PRODUCER LICENSE OF DONALD. DAY (RPI 63346) SHOULD NOT BE SUSPENDED FOR FAILURE TO COMPLY WITH THE CONTINUING EDUCATION REQUIREMENT OF § 10-2-301, C.R.S.

On July 28, 2005, the Colorado Division of Insurance ("Division") mailed to the above named licensee an Order to Show Cause why the licensee's insurance producer license should not be suspended for failure to complete the continuing education requirements for the twenty-four month period of January 1, 2004 – January 31, 2005 as required by § 10-2-301(1), C.R.S. The respondent's written response to the Order to Show Cause was due no later than thirty (30) days after the date the Order to Show Cause was mailed to the licensee.

#### INITIAL DECISION and RECOMMENDATIONS

The licensee timely answered the Order to Show Cause, but failed to appear at or participate in the hearing. The Hearing Officer finds that the licensee <u>failed</u> to prove by a preponderance of the evidence that the licensee had complied with the continuing education requirement for the period named above. It is the Initial Decision and Recommendation of the Hearing Officer that the licensee's insurance producer license be suspended until the licensee provides satisfactory proof to the Division that the licensee has met the continuing education requirement for the period named above, and for all subsequent continuing education compliance periods. During the period of the suspension licensee shall pay the continuation fee required by § 10-2-413, C.R.S. If the licensee fails to timely pay the license continuation fee, the licensee's insurance producer license shall be discontinued pursuant to § 10-2-408(4), C.R.S. and the licensee will be required to reapply for licensure upon providing satisfactory proof of compliance with the continuing education requirement.

Pursuant to § 24-4-105(14)(a)(II), C.R.S., if you wish to contest the Hearing Officer's Initial Decision, you must file exceptions with the Commissioner of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202, within thirty (30) days of service of this Initial Decision. If you do not timely file exceptions this Initial Decision will become a Final Agency Order of the Commissioner of Insurance. Pursuant to § 24-4-105(15), C.R.S., Commissioner's designee to review in connection with your exceptions within twenty (20) days of the date of this Initial Decision.

DATED this 2nd day of September 2005.

THOMAS ABEL Hearing Officer

#### **CERTIFICATE OF SERVICE**

This is to certify that I have duly served the within INITIAL DECISION upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this day of October 2005 addressed as follows:

DONALD DAY 711 HARRISON AVE UNIT D2 LEADVILLE, CO 80461

Leon Ufogealar

## **CERTIFICATE OF MAILING**

This is to certify that I have duly served the within *Final Agency Order In The Matter Of The Insurance Producer License of Donald Day*, upon all parties herein by depositing copies of same in the United States mail at Denver, Colorado, this 30<sup>th</sup> Day of November, addressed to:

Donald Day 711 Harrison Ave Unit D2 Leadville, CO 80461

George Mozealous