

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 22A-006-INS

BOHON, OTTO RAMON JR.
(National Producer License No. 10180740)

**CERTIFICATION OF DECISION
OF ADMINISTRATIVE
LAW JUDGE**

Respondent

I have reviewed the records of the Office of Administrative Hearings and as co-custodian of such records have determined:

1. On April 25th, 2022, the Administrative Law Judge Decision in the above entitled matter was transmitted to the Department of Insurance and Financial Institutions - Insurance by electronic filing.
2. Pursuant to A.R.S. § 41-1092.08 and A.R.S. § 1-243, the Department of Insurance and Financial Institutions - Insurance had until May 30th, 2022 to accept, reject or modify the Administrative Law Judge Decision, as evidenced by receipt of such action by the Office of Administrative Hearings.
3. No action by the Department of Insurance and Financial Institutions - Insurance was received by the Office of Administrative Hearings as of June 3rd, 2022.

Therefore, pursuant to A.R.S. § 41-1092.08(D), the attached Administrative Law Judge Decision is certified as the final administrative decision of the Department of Insurance and Financial Institutions - Insurance.

NOTICE

1 Rights for Rehearing or judicial review will be lost without action taken in a timely
2 manner. A Party has the right to request a rehearing from the Department of Insurance
3 and Financial Institutions - Insurance pursuant to A.R.S. § 41-1092.09(A). In addition,
4 the matter may be reviewed by the Superior Court, pursuant to A.R.S. § 41-1092.08(H),
5 although a party may be required to seek a rehearing from the Department of Insurance
6 and Financial Institutions - Insurance before petitioning the Superior Court
7

8
9 for such review. See A.R.S. § 41-1092.09(B). Further rights may be lost without action
10 taken in a timely manner. Parties may wish to review these statutes as quickly as
11 possible after receipt of this notice. The relevant statutes may be found at the local
12 library or on the internet at: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>.
13 Not later than ten days after a complaint for judicial review of an administrative decision
14 is filed with the Superior Court, the party who filed the complaint must file a notice of the
15 action with the Office of Administrative Hearings.

16 Done this day, June 3, 2022.

17
18 /s/ Miranda Alvarez
19 Legal Secretary
20

21 Copy mailed/e-mailed/faxed June 3, 2022 to:

22
23 Evan G. Daniels
24 Department of Insurance and Financial Institutions - Insurance
25 Arizona Department of Insurance and Financial Institutions
26 100 North 15th Avenue, Suite 261
27 Phoenix, AZ 85007-2630
28 deian.ousounov@difi.az.gov
ana.starcevic@difi.az.gov
Wendy.Greenwood@difi.az.gov
steven.fromholtz@difi.az.gov

29 James Rolstead
30 Attorney General's Office
2005 N. Central Ave.

Phoenix, AZ 85004

AdminLaw@azag.gov

James.Rolstead@azag.gov

Lynette.Evans@azag.gov

Susan.Hack@azag.gov

Teresa.Carranza@azag.gov

Otto Ramon Bohon

5507 N. Paseo Ventoso

Tucson, AZ 85750-1125

sales@pillarig.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 22A-006-INS

BOHON, OTTO RAMON JR.,
(National Producer License No. 10180740),
Respondent.

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARING: April 5, 2022.

APPEARANCES: Assistant Attorney General James Rolstead represented the Arizona Department of Insurance and Financial Institutions (Department). Otto Ramon Bohon Jr. (Respondent) represented himself.

ADMINISTRATIVE LAW JUDGE: Kay Abramsohn

FINDINGS OF FACT

1. At all times relevant, Respondent was licensed by the Department as an Arizona resident insurance provider with lines of authority in casualty, property, credit, life, and variable life and variable annuity insurance, under National Producer Number 10180740.¹ First licensed in January 2018, Respondent's license currently expires on January 31, 2024.

2. Respondent's business and mailing address of record with the Department is 5507 North Paseo Ventoso, Tucson, Arizona 85750-1125; his business e-mail address of record is sales@pillarig.com.

3. On June 16, 2021, the Department received information from a member of the public regarding a felony charge against Respondent.²

4. On November 19, 2021, the Department again received information from a member of the public regarding a felony charge against Respondent.³

5. On November 22, 2021, Respondent called the Department to self-report a felony conviction in Pima County Superior Court.

¹ See Exhibit 1.

² *Id.*

³ *Id.*

1 6. On August 19, 2021, under a Plea Agreement in Pima County Superior Court
2 Case No. CR20203891-001, Respondent pleaded guilty to a Class 4 felony, Attempted
3 Luring of a Minor under fifteen, an offense committed on July 23, 2020.⁴

4 7. On or about October 28, 2021, the Court entered judgment on the guilty plea,
5 suspended imposition of sentencing, placed Respondent on a 15-year probation period,
6 ordered that Respondent register as a sex offender, and ordered that Respondent comply
7 with the Sex Offender Special Conditions of Probation.⁵ As part of the judgment, due to
8 Respondent's performance during the pendency of the matter, the Court allowed
9 Respondent to continue to reside in the family home with his wife and four children.⁶
10 Respondent was provided with written terms and conditions of probation.⁷

11 8. On February 23, 2022, the Department issued its Notice of Hearing and
12 Complaint notifying Respondent of its authority, and intent, to take disciplinary action
13 against Respondent's license.

14 9. At hearing, Respondent acknowledged that his actions in pursuing internet
15 communications of a sexual nature/involvement with a minor was "one poor choice."⁸

16 10. Respondent argued that he should be allowed to continue to be licensed and
17 be able to work in the insurance realm for several reasons. He argued that he is not a
18 threat to the public in consumers' homes because he did not, at that time, or now, go into
19 consumers' homes for his work and employment; he worked from an office and from his
20 home (and in Zoom meetings) in marketing at this time and processes financial business
21 paperwork and documents. Respondent noted that the offense was unrelated to
22 insurance or financial concerns and that, as a part of his probation, he was excepted from
23 certain probationary conditions, two of which were device and computer access to the

24 ⁴ See Exhibit 3; see also Exhibit 5 (Presentence Report), regarding the offense. Respondent was arrested
25 on September 30, 2020. Under the Plea Agreement, Respondent agreed to abide by the Sex Offender
Special Conditions of Probation. See Exhibit 3 at 2 and 6.

26 ⁵ See Exhibit 4.

27 ⁶ Respondent's four children are ages 2, 4, 9, and 10.

28 ⁷ See Exhibit 4 at bates 017; see also Exhibit 3 at bates 014. At the time of sentencing, Respondent was
29 given "written terms and conditions of probation ... for explanation, acceptance and signature."

30 ⁸ The Presentence Report sets forth details of the offense: Respondent accessed an FBI-created website
of an alleged 14-year old female using an alias (name and occupation) and, subsequently, began
communicating and sending photographs of a sexual nature and requesting photographs from the female
in return.

1 internet.⁹ In that regard, Respondent noted that his smart-phone number, on-line access
2 identification/name, and vehicle are able to be monitored through the Sherriff's office.¹⁰
3 Further, Respondent argued that his risk assessment, as documented on the Offender
4 Screening Tool, is very low, at 3 of 42 assessment risk points.

5 11. One condition of his probation is that Respondent must obtain prior written
6 approval for any temporary or permanent change to employment.¹¹

7 12. Regarding being in public or other premise restrictions, Respondent was
8 allowed by the Court at sentencing to continue to reside in the family home and he is not
9 restricted in contact with his family or children. Respondent is not required to meet in-
10 person weekly with his probation officer but has to meet once a month; Respondent does
11 not have a curfew. Respondent is allowed 1½ hour deviation from a set schedule to go
12 to the Gym and can stop at the grocery store; he is also allowed 1½ hour deviation for a
13 lunch time.¹²

14 13. At the administrative hearing, the Department requested that Respondent's
15 license be revoked based on Respondent's felony offense and the nature of the offense.
16 The Department's position is that Respondent's actions were more than "one poor choice"
17 as there were multiple communications and photographs during the offense/actions. The
18 Department's argued that it is responsible to protect public interests and that, if Respondent
19 is allowed to remain licensed, persons and children are at risk if Respondent were to meet
20 with consumers in their homes and, further, that it had only been 5 months since
21 Respondent had been placed on probation and that 5 months was insufficient time for
22 rehabilitation.

23 CONCLUSIONS OF LAW

24 1. This matter lies within the Department's jurisdiction.¹³

25 _____
26 ⁹ Respondent's offense took place from his home through the internet.

27 ¹⁰ Respondent indicated that he was not required to be monitored via GPS; however, he was required to
28 provide the "make, model, license plate and registration number" of any vehicle he would be driving to the
29 probation department. See Exhibit 3 at bates 014.

30 ¹¹ *Id.*

¹² One condition of Respondent's probation is that he must submit a weekly schedule to the probation
department. *Id.*

¹³ See Arizona Revised Statutes (A.R.S.) §§ 20-142 and 20-281 *et seq.*

1 2. The Department bears the burden of proof to establish cause to discipline
2 Respondent's license by a preponderance of the evidence.¹⁴ A.R.S. § 20-295(A) sets forth
3 multiple actions/causes for which discipline by the Department is appropriate, the vast
4 majority of which are related to regulation of insurance business and/or practices. While
5 the designation of a "felony conviction" as one cause for discipline is not limited to a felony
6 related to insurance business and/or practices, the need for regulation by the Department
7 is of utmost importance when conduct impacts, or is likely to impact, the area of insurance
8 business and/or practices.

9 3. "A preponderance of the evidence is such proof as convinces the trier of fact that
10 the contention is more probably true than not."¹⁵

11 4. The Department established that Respondent's conduct included being
12 convicted of a felony. Such conduct is a violation of applicable statutes and rules within
13 the meaning of A.R.S. § 20-295(A)(2) and (6).

14 5. Respondent's conduct, that of being convicted of a felony, provides grounds
15 for the Director of the Department to suspend for not more than 12 months, or revoke,
16 Respondent's license pursuant to A.R.S. § 20-295(A).

17 6. Based on the hearing record, the Administrative Law Judge concludes that the
18 Department's action to revoke Respondent's license should not be affirmed. While the
19 hearing record established poor judgment on Respondent's part with the resultant felony
20 conviction as a consequence and, essentially, a life-time penalty, the hearing record also
21 established that this was a felony conviction unrelated to the insurance business and/or
22 practices. At the time of the actions and offense, Respondent was not working in-person
23 with consumers and, at this time, that remains the case; further, the Court has assessed
24 him as a very low risk to the public. The Administrative Law Judge concludes that the
25 Department should, at this time, take no disciplinary action to suspend or revoke
26 Respondent's National Producer License.

27 **RECOMMENDED ORDER**

28 ¹⁴ See A.R.S. § 41-1092.07(G)(2); A.A.C. R2-19-119(A) and A.A.C. R2-19-119(B)(1); see also *Vazzano v.*
29 *Superior Court*, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

30 ¹⁵ MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

1 Based on the foregoing, it is recommended that the Director not affirm the
2 Department's proposal to revoke Respondent's National Producer License No.
3 10180740.

4 *In the event of certification of the Administrative Law Judge Decision by the*
5 *Director of the Office of Administrative Hearings, the effective date of the Order will be*
6 *five days from the date of that certification.*

7 Done this day, April 25, 2022.

8 /s/ Kay Abramsohn
9 Administrative Law Judge

10
11 Transmitted electronically to:

12
13 Evan G. Daniels,
14 Department of Insurance and Financial Institutions - Insurance

15 By Miranda Alvarez
16 Legal Secretary