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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF CALIFORNIA, SAN DIEGO**

In the Matter of the licenses and Licensing
Rights of

JOHN PAUL SLAWINSKI,

Respondent.

File No.; 08CO07945-AP

DEFAULT DECISION;ORDER OF
REVOCATION

WHEREAS Respondent JOHN PAUL SLAWINSKI (Respondent) (License Number. 0660434) was on December 4, 1987, and is now, licensed by the Department as a Life-Agent, which license was on January 1, 2008 converted by operation of law into two separate license qualifications: Life-Only Agent and Accident and Health Agent; and,

WHEREAS on March 28, 2014, Respondent was served with an Accusation and Request for an Order Prohibiting Respondent From Further Participation in the Insurance Industry, Statement to Respondent, and a form entitled Notice of Defense (collectively “Accusation and Request for an Order”) as provided for by § 11505 of the California Government Code. The Accusation and Request for an Order were served by registered mail addressed to the business and mailing address of Respondent on file with the Department; and,

WHEREAS said registered mail to Respondent was returned by the United States Postal Service as unclaimed mail; and,

WHEREAS telephone calls to Respondent’s business and mailing address telephone number on file with the department (74530 Daylilly Circle, Palm Desert, California 92260 telephone number 714-444-4032) are answered by a telephone company recording advising that the telephone number is no longer in service; and,

WHEREAS on March 20, 2014 Department Investigators went to the business and mailing address of Respondent on file with the Department, where they were met by a man who

1 identified himself as Respondent's "gardener." The man told investigators that Respondent was
2 not home and did not know when he would return; and,

3 WHEREAS on March 20, 2014, the Palm Desert Post Office reported to Department
4 Investigators that Respondent moved from 74530 Daylilly Circle, Palm Desert, California, date
5 unknown, and left no forwarding address; and,

6 WHEREAS on April 28, 2014, the Accusation and Request for an Order was served by
7 regular mail on Respondent at the residential address in Santa Ana, California on file with the
8 Department; and,

9 WHEREAS telephone calls to the residential address telephone number of Respondent on
10 file with the Department are now answered by a telephone company recording advising the
11 telephone has been disconnected and is no longer in service; and,

12 WHEREAS California Department of Motor Vehicle record show Respondent residing at
13 the business and mailing address on file with the Department; and,

14 WHEREAS Respondent has failed to notify the commissioner of a change in his business,
15 mailing, and residential addresses, and telephone numbers, as required by California Insurance
16 Code § 1729 and,

17 WHEREAS Respondent has failed to file a Notice of Defense within the time allowed by
18 § 11506 of the Government Code; NOW,

19 THEREFORE, the **DEFAULT** of Respondent is hereby entered, and the Insurance
20 Commissioner having determined that Respondent has waived his right to a hearing to contest the
21 merits of the Accusation and Request for an Order, the Insurance Commissioner will take action
22 on the Accusation and Request for an Order on file in this matter without a hearing, as provided
23 by §§ 11506 and 11520 of the California Government Code.

24 **DECISION**

25 The Insurance Commissioner hereby makes the following Finding of Fact,
26 Determination of Issues Presented, and Order.

27 **FINDINGS OF FACT**

28 The facts alleged in the Accusation and Request for an Order are found to be true.

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DETERMINATION OF ISSUES PRESENTED

IT IS HEREBY DETERMINED: That the Findings of Fact show Respondent violated the provisions of the Insurance Code as alleged in the Accusation and Request for an Order, and are grounds, as therein specified, for the disciplinary action stated and requested therein; NOW THEREFORE,

The Insurance Commissioner makes the following **Order**:

ORDER

Pursuant to the authority of California Insurance Code §§ 1668, 1738, and 1748.5, the Insurance Commissioner **Orders** that:

- 1. Respondent’s **LICENSES AND LICENSING RIGHTS**, including, but not limited to those referenced above, **ARE HEREBY REVOKED**, and,
- 2. Respondent is **ORDERED TO CEASE and DESIST** from further participation in the insurance industry in any capacity until expressly permitted to resume participation in the insurance industry by the prior written consent of the commissioner.

THE PROHIBITION SHALL INCLUDE, but is not limited to:

- a. Soliciting, negotiating, executing, delivering, effecting, arranging, or otherwise transacting insurance in any manner in exchange for compensation of any kind.
“Soliciting” means making any oral or written statement with the intention or possible effect of provoking a person’s interest in purchasing an insurance product. “Negotiating” means having any discussion with the objective of arranging the sale of insurance for compensation of any kind.
- b. Having any contact whatsoever with any other person, for the purpose of soliciting, negotiating, arranging, discussing, or otherwise transacting insurance in any manner. This subdivision is inapplicable to transactions whereby the respondents are strictly purchasers of insurance.
- c. Advertising, or participating in advertising, by newspaper, telephone book or listing, mail, handout, business card, or by any other written or printed presentation, or in any other manner or means whatsoever, whether personally or through others, which implies

1 that respondent is licensed or is engaged in the business or soliciting, negotiating,
2 executing, delivering, or furnishing insurance in any manner.

3 d. Acting as an owner, partner, officer, director, shareholder, stockholder, or employee
4 or having any interest in any insurance business.

5 e. Acting as an office manager, agent, broker, general agent, managing general agent,
6 underwriter, consultant, or otherwise supervising, controlling, advising, or participating in
7 the conduct of an insurance business in any capacity.

8 f. Receiving money, commission, fee, rebate, payment, remuneration, or any other
9 valuable consideration whatsoever, in connection with any insurance transaction, for work
10 for, advice to, or consultation with any insurance business.

11 g. Acting as an employee, agent, broker, solicitor, office clerk, secretary, consultant,
12 advisor, or otherwise providing any aid or assistance whatsoever, whether on a permanent,
13 full time, temporary, or limited basis, for any insurance licensee or business.

14 h. Handling, controlling, delivering, transporting, distributing, storing, maintaining,
15 creating, completing, executing, or having access to any blank insurance, binder,
16 insurance identification card, or certificate of insurance.

17 i. Collecting, receiving, requesting, maintaining, handling, distributing, refunding,
18 returning, remitting, assigning, effecting, having access to, controlling, or otherwise
19 having anything to do with any money that has anything to do with an insurance business.

20 **THIS ORDER IS EFFECTIVE** 30 calendar days from the date it is served on
21 Respondent;

22 IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal,
23 this 9th day of May, 2014.

24 DAVE JONES
25 Insurance Commissioner

26
27 By


28 Jose Aguilar
Assistant Chief Counsel