

DEC 15 2003

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT. OF INSURANCE
BY Kate

In the Matter of:)	Docket No. 03A-166-INS
)	
TIMOTHY DEAN BAILEY,)	ORDER
)	
Respondent.)	
_____)	

On December 8, 2003, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Eric A. Bryant, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on December 11, 2003, a copy of which is attached and incorporated by this reference. The Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

1. Adopting the recommended Findings of Fact and Conclusions of Law.
2. Respondent's application for an insurance producer license is denied.

NOTIFICATION OF RIGHTS

Pursuant to A.R.S. § 41-1092.09, Petitioner may request a rehearing with respect to this order by filing a written motion with the Director of the Department of Insurance within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. 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 Superior Court.

Petitioner 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

1 notify the Office of Administrative Hearings of the appeal within ten days after filing the
2 complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

3 DATED this 12th of December, 2003

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CHRISTINA URIAS
7 Director of Insurance

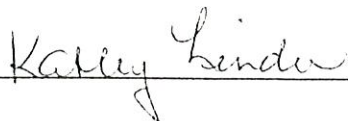
8
9 A copy of the foregoing mailed
this 15th day of December, 2003

10 Gerrie L. Marks, Deputy Director
11 Catherine O'Neil, Consumer Legal Affairs Officer
12 Rebecca Sanchez, Producer Licensing Administrator ✓
13 Del Wisecarver, Producer Licensing Supervisor
14 Arizona Department of Insurance
15 2910 N. 44th Street, 2nd Floor
16 Phoenix, AZ 85018

17 Eric A. Bryant
18 Office of Administrative Hearings
19 1400 W. Washington, Suite 101
20 Phoenix, AZ 85007

21 Jennifer Boucek
22 Assistant Attorney General
23 1275 W. Washington
24 Phoenix, AZ 85007

Timothy D. Bailey
1920 E. Maryland Ave., #6
Phoenix, AZ 85016

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STATE OF ARIZONA
IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Application for an
Insurance Producer license by:

No. 03F-166-INS

Timothy Dean Bailey,

Applicant.

ADMINISTRATIVE
LAW JUDGE
DECISION

HEARING: December 8, 2003

APPEARANCES: No one appeared on behalf of Applicant; the State of Arizona, Department of Insurance was represented by Assistant Attorney General Jennifer Boucek.

ADMINISTRATIVE LAW JUDGE: Eric A. Bryant

By Notice of Hearing dated November 3, 2003, a hearing in this appeal from a preliminary denial of an original application for an insurance producer license was scheduled for 9:00 a.m. on December 8, 2003. As noted above, Applicant did not appear at the appointed time and place. The Assistant Attorney General for the Department was present. This tribunal waited until 9:20 a.m. to see if Applicant or a representative would appear, but no one did. Because Applicant failed to appear and prosecute the appeal, the appeal is unsupported by the evidence.

Applicant must show that he meets the qualifications for licensure as an insurance producer. A.R.S. § 20-285. "At a hearing on a denial of a license or permit, the applicant has the burden of proof." A.R.S. § 41-1092.07(G). By failing to appear and put forth evidence in support of his application, Applicant has failed to meet his burden.

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2 Considering the foregoing, IT IS RECOMMENDED that the Director of Arizona
3 Department of Insurance deny the appeal and deny the application of Timothy Dean
4 Bailey.

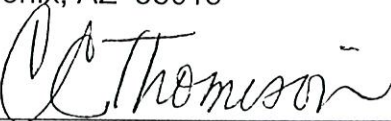
5 Done this 8th day of December 2003.

6
7 OFFICE OF ADMINISTRATIVE HEARINGS

8 
9 _____
10 Eric A. Bryant
Administrative Law Judge

11 Original mailed this 11 day of December 2003, to:

12 Christina Urias, Acting Director
13 Department of Insurance
14 2910 North 44th Street, Ste. 210
15 Phoenix, AZ 85018

16 By 
17 _____