

FEB 17 2006

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY CB

In the Matter of:	)	Docket No. 05A-142-INS
	)	
	)	
EDWARD GEORGE HENDERSON,	)	<b>ORDER</b>
	)	
Respondent.	)	
	)	
	)	

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On February 10, 2006, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Lewis D. Kowal, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on February 15, 2006, 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:

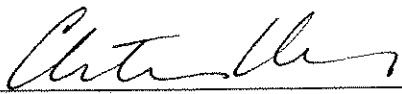
1. The Recommended Findings of Fact and Conclusions of Law are adopted.
2. Respondent's accident/health and life producer's license is revoked.

NOTIFICATION OF RIGHTS

Pursuant to A.R.S. § 41-1092.09, Respondent 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.

1 Respondent may appeal the final decision of the Director to the Superior Court of  
2 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal must  
3 notify the Office of Administrative Hearings of the appeal within ten days after filing the  
4 complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

5 DATED this 15<sup>th</sup> of February, 2006

6  
7   
8 \_\_\_\_\_  
9 CHRISTINA URIAS  
10 Director of Insurance

11 A copy of the foregoing mailed  
12 this 17<sup>th</sup> day of February, 2006

13 Mary Kosinski, Executive Assistant for Regulatory Affairs  
14 Catherine O'Neil, Consumer Legal Affairs Officer  
15 Steve Fromholtz, Producer Licensing Administrator  
16 Arizona Department of Insurance  
17 2910 N. 44th Street, Suite 210  
18 Phoenix, AZ 85018

19 Office of Administrative Hearings  
20 1400 W. Washington, Suite 101  
21 Phoenix, AZ 85007

22 Moira McCarthy  
23 Assistant Attorney General  
1275 W. Washington  
Phoenix, AZ 85007

Edward George Henderson  
7400 E. Golf Links, #454  
Tucson, AZ 85730

  
\_\_\_\_\_

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2  
3 **In The Matter Of:**

**No. 05A-142-INS**

4 **EDWARD GEORGE HENDERSON**

**ADMINISTRATIVE  
LAW JUDGE DECISION**

5 **Respondent,**

8  
9 **HEARING:** January 25, 2006

10 **APPEARANCES:** Assistant Attorney General Moira McCarthy appeared on  
11 behalf of the Arizona Department of Insurance; Edward George Henderson did not  
12 appear at the hearing

13 **ADMINISTRATIVE LAW JUDGE:** Lewis D. Kowal

14  
15 **FINDINGS OF FACT**

- 16 1. At all times material to this matter, Edward George Henderson ("Respondent")  
17 was and currently is licensed by the Arizona Department of Insurance ("Department")  
18 as an accident /health and life producer.
- 19 2. The Department issued Respondent an accident/health and life producer  
20 license, license number 310914.
- 21 3. On April 27, 2005, the Department issued a letter to Respondent that was mailed  
22 to his address of record, sent certified mail return receipt requested, informing him that  
23 his fingerprint card could not be processed and was returned by the Arizona  
24 Department of Public Safety ("DPS") as illegible. In that letter, the Department  
25 requested that Respondent submit a replacement set of fingerprints and enclosed a  
26 blank replacement fingerprint form. The Department provided a deadline of June 1,  
27 2005 for the return of the completed replacement fingerprint form.
- 28 4. The Department presented a signed receipt card depicting the signature of  
29 Becky Gilmour, the person who signed for the letter at Respondent's residential  
30 address of record with the Department, as evidence of Respondent's receipt of the  
above-mentioned letter.

1 5. Because the Department did not receive the requested replacement fingerprint  
2 form from Respondent as requested, the Department sent another letter to Respondent  
3 on July 5, 2005, giving Respondent a deadline of fifteen days from the date of the letter  
4 to file a replacement fingerprint form with the Department.

5 6. The Department presented a signed receipt card depicting the signature of  
6 Becky Gilmour, the person who signed for the letter at Respondent's residential  
7 address of record with the Department, as evidence of Respondent's receipt of the July  
8 5, 2005 letter.

9 7. Steven Fromholtz ("Mr. Fromholtz"), Producer Licensing Administrator for the  
10 Department, testified that, to date, the Department has not received any communication  
11 from Respondent in response to the above-mentioned letters and the Department has  
12 not received a replacement fingerprint form from Respondent.

13 8. Mr. Fromholtz testified that when an application for a producer's license is  
14 received and there is no criminal history disclosed on the application, the application is  
15 processed and the applicant receives a license upon payment of the appropriate fee.  
16 The fingerprint card is reviewed so as to make sure there are no blank spaces and the  
17 card is forwarded to the DPS for processing, which includes processing by the Federal  
18 Bureau of Investigation.

19 9. According to Mr. Fromholtz, until the fingerprint card is processed and returned  
20 to the Department, and a criminal background history search is conducted, with the  
21 results provided to the Department, the license application process has not been  
22 completed.

23 10. Evidence was presented establishing that the Notice of Hearing issued in this  
24 matter by the Department was sent certified mail, return receipt requested, to the  
25 address of record the Department has for Respondent and that the envelope containing  
26 the Notice of Hearing was returned to the Department on January 17, 2006, unclaimed.

### CONCLUSIONS OF LAW

27 1. This matter is a disciplinary proceeding wherein the Department must prove by a  
28 preponderance of the evidence that Respondent violated the State's Insurance Laws.  
29 See A.AC. R2-19-119.  
30

1 2. Respondent's conduct, as described above, constitutes a violation of A.R.S. §  
2 20-285(F)(2), by having failed to meet the requirement that an applicant must submit a  
3 full set of fingerprints to the Department.

4 3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-  
5 295(A)(1), by having failed to provide complete information in the license application.

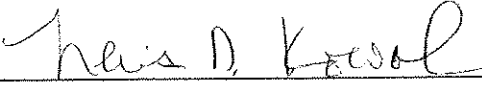
6 4. Respondent's conduct, as set forth above, constitutes the violation of any  
7 provision of A.R.S., Title 20 within the meaning of A.R.S. § 20-295(A)(2).

8 5. Grounds exist for the Director of the Department to suspend, revoke, or refuse to  
9 renew Respondent's license pursuant to A.R.S. §§ 20-295(A)(1) and (A)(2).

10 **ORDER**


11 Based upon the above, IT IS ORDERED that Respondent's accident/health and  
12 life producer's license is revoked on the effective date of the Order entered in this  
13 matter.

14 Done this day, February 10, 2006.

15   
16 \_\_\_\_\_  
17 Lewis D. Kowal  
18 Administrative Law Judge

19 Original transmitted by mail this  
20 13 day of February, 2006, to:

21 Department of Insurance  
22 Christina Urias, Director  
23 2910 North 44th Street, Ste. 210  
24 Phoenix, AZ 85018

25 By   
26 \_\_\_\_\_