

SEP 28 2007

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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

LAKSHMI PRIYA SUNDARAMOORTHY
Respondent.

No. 07A-075-INS
ORDER

On September 21, 2007, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Lewis Kowal, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on September 25, 2007, 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 license, # 862408, is revoked immediately.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondent may request a rehearing with respect to this order by filling 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.

Respondent 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

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

3 DATED this 25th day of September, 2007.

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5 
6 CHRISTINA URIAS, Director
7 Arizona Department of Insurance

8 COPY of the foregoing mailed this
9 28th day of September, 2007 to:

10 Lakshmi Priya Sundaramoorthi
11 16533 N. 71st Drive
12 Peoria, AZ 85382
13 Respondent

14 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs
15 Mary Butterfield, Assistant Director
16 Catherine M. O'Neil, Consumer Legal Affairs Officer
17 Steven Fromholtz, Licensing Supervisor
18 Department of Insurance
19 2910 North 44th Street, Suite 210
20 Phoenix, Arizona 85018

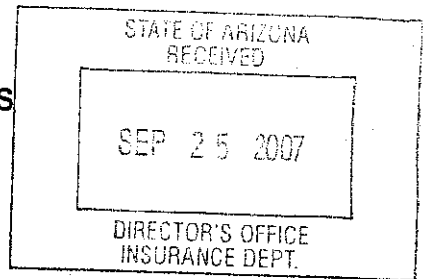
21 Lewis D. Kowal, Administrative Law Judge
22 Office of Administrative Hearings
23 1400 West Washington, Suite 101
24 Phoenix, AZ 85007

25 Lynette Evans
26 Office of the Arizona Attorney General
Consumer Protection & Advocacy Section
1275 West Washington
Phoenix, AZ 85007
Attorney for the Department

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28 Curvey Burton

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS



In the Matter of:

LAKSHMI PRIYA SUNDARAMOORTHY

No. 07A-075-INS

ADMINISTRATIVE
LAW JUDGE DECISION

HEARING: September 6, 2007

APPEARANCES: Assistant Attorney General Lynette Evans; Lakshmi Priya Sundaramoorthi did not appear at the hearing.

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

FINDINGS OF FACT

1. At all times material to this matter, Lakshmi Priya Sundaramoorthi ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department") as an accident/health and life producer.
2. On April 11, 2006, the Department issued Respondent an accident/health and life producer, license number 862408 ("License"), which expires on November 30, 2009.
3. On August 21, 2006, the Department issued a letter to Respondent that was mailed to her address of record, informing her that her fingerprint card could not be processed and was returned by the Federal Bureau of Investigation as illegible. In that letter, the Department requested that Respondent submit a replacement set of fingerprints and enclosed a blank replacement fingerprint form. The Department provided a deadline of September 26, 2006 for the return of the completed replacement fingerprint form.
4. Because the Department did not receive the requested replacement fingerprint form from Respondent as requested, the Department sent another letter to Respondent at her address of record on December 6, 2006, certified mail, return receipt requested, giving Respondent a deadline of fifteen days from the date of the letter to file a replacement fingerprint form with the Department. The Department also sent a copy of

1 the December 6, 2006 letter to Respondent at her home address on file with the
2 Department. The letter sent to Respondent's home address was returned to the
3 Department by the United States Postal Service indicating that the address was vacant
4 and the United States Postal Service was unable to forward the letter.

5 5. The Department submitted as an exhibit a copy of a signed receipt card that
6 showed the December 6, 2006 letter was received by a person at Respondent's
7 business address of record, which was the address of record the Department had for
8 Respondent. See Exhibit 5.

9 6. 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 7. Mr. Fromholtz testified that the Department has not received any change of
14 address notification from Respondent and that the above-mentioned letters were sent
15 to the mailing address of record the Department had for Respondent.

16 8. Mr. Fromholtz also testified that when an application for a producer's license is
17 received, the fingerprint card that accompanies the license application is forwarded to
18 the Arizona Department of Public Safety for processing, which includes processing by
19 the Federal Bureau of Investigation for criminal history background checks to be
20 conducted.

21 9. Respondent did not present any evidence to refute or rebut the evidence that the
22 Department presented.

23 CONCLUSIONS OF LAW

24 1. This matter is a disciplinary proceeding wherein the Department must prove by a
25 preponderance of the evidence that Respondent violated the State's Insurance Laws.
26 See A.A.C. R2-19-119.

27 2. During the application process, the Director of the Department required
28 Respondent to submit a full set of fingerprints and Respondent's illegible fingerprint
29 submission did not satisfy that requirement. See A.R.S. § 20-285(F)(2).

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

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

3 5. Grounds exist for the Director of the Department to suspend, revoke, or refuse to
4 renew the License pursuant to A.R.S. §§ 20-295(A).

5 ORDER

6 Based upon the above, the License shall be revoked on the effective date of the
7 Order entered in this matter.


8 Done this day, September 21, 2007.

9
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11 _____
12 Lewis D. Kowal
13 Administrative Law Judge

14 Original transmitted by mail this
15 24 day of September, 2007, to:

16
17 Department of Insurance
18 Christina Urias, Director
19 2910 North 44th Street, Ste. 210
20 Phoenix, AZ 85018

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23 By  _____
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