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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:)	
)	No. 07A-076-INS
KIMBERLY DAWN FOSTER)	CONSENT ORDER
)	Hearing 9/6/07, 2:00 p.m.
)	ALJ Lewis Kowal
Respondent)	
_____)	

The State of Arizona Department of Insurance ("Department") has received evidence that **Kimberly Dawn Foster** ("Foster" or "Respondent") has violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Foster is, and was at all material times licensed as a resident credit producer, Arizona license number 864863, which license expires April 20, 2010.
2. Foster's business/ mailing address of record with the Department is: c/o Wells Fargo, 5115 N. Dysart Rd., Litchfield Park, AZ 85340. Foster's residence address of record with the Department is: 4410 N. 99th Ave., #2092, Phoenix, AZ 85037.
3. On or about May 11, 2006, the Department issued Foster an insurance license as a resident credit producer, license number 864863.
4. On August 21, 2006, the Department notified Foster by mail at her business/ mailing address of record, return receipt requested, that her fingerprint card had been processed and returned by the Federal Bureau of Investigation ("FBI") as illegible. The

1 Department requested a replacement set of fingerprints along with a completed "Illegible
2 Fingerprint Replacement Form" on or before September 26, 2006.

3 5. On December 6, 2006, the Department sent a second letter to Foster, return
4 receipt requested, at the same address, notifying her that she had 15 days to submit a full set
5 of fingerprints to the Department.

6 6. Someone at Foster's place of business signed for the Department's December 6,
7 2006 letter.

8 7. To date, Foster has not submitted a replacement set of fingerprints along with a
9 completed Illegible Fingerprint Replacement Form.

10 8. On July 24, 2007, the Department set a hearing and issued a Notice of Hearing
11 for revocation of Foster's license.

12 **CONCLUSIONS OF LAW**

13 1. The Director has jurisdiction over this matter.

14 2. Respondent's conduct as described above constitutes the violation of the
15 requirement that an applicant submit a full set of fingerprints to the Department within the
16 meaning of A.R.S. § 20-285(F)(2).

17 3. Respondent's conduct as described above constitutes providing incomplete
18 information in the license application within the meaning of A.R.S. § 20-295(A)(1).

19 4. Respondent's conduct as described above constitutes the violation of any
20 provision of A.R.S. Title 20 or any rule, subpoena or order of the director within the meaning of
21 A.R.S. § 20-295(A)(2).
22
23

1 4. Respondent states that no promise of any kind or nature whatsoever, except as
2 expressly contained in this Consent Order, was made to her to induce her to enter into this
3 Consent Order and that she has entered into this Consent Order voluntarily.

4 5. Respondent acknowledges that the acceptance of this Consent Order by the
5 Director is solely to settle this matter against her and does not preclude any other agency,
6 officer, or subdivision of this state including the Department from instituting civil or criminal
7 proceedings as may be appropriate now or in the future not related to this matter.

8 6. Respondent acknowledges that this Consent Order is an administrative action
9 that will be reported to the NAIC and that she may have to report this administrative action on
10 any future licensing applications either to the Department or other states' Departments of
11 Insurance.

12 9/4/07

13 Date

Kimberly Dawn Foster

Kimberly Dawn Foster, License #864863

14 COPIES of the foregoing mailed/delivered
15 this ~~4th~~ day of ~~September~~ 2007, to:

16 6th September

17 Kimberly Dawn Foster
18 c/o Wells Fargo
19 5115 N. Dysart Rd.
20 Litchfield Park, AZ 85340
21 Respondent

22 Kimberly Dawn Foster
23 4410 N. 99th Ave., #2092
Phoenix, AZ 85037
Respondent

Mary E. Kosinski, Exec. Assistant for Regulatory Affairs
Mary Butterfield, Assistant Director
Catherine M. O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Licensing Supervisor

1 Department of Insurance
2910 North 44th Street, Suite 210
2 Phoenix, Arizona 85018

3 Lewis D. Kowal, Administrative Law Judge
Office of Administrative Hearings
4 1400 West Washington, Suite 101
Phoenix, AZ 85007

5 Lynette Evans
6 Office of the Arizona Attorney General
Consumer Protection & Advocacy Section
7 1275 West Washington
Phoenix, AZ 85007
8 Attorney for the Department

9 
10 Curvey Walters Burton

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