

DEC 3 2007

DEPT OF INSURANCE
BY CB

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

FRANCES TRINIDAD MORENO
(License number 868403),

Respondent.

No. 07A-167-INS

**PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

On October 4, 2007, the Arizona Department of Insurance ("Department") issued a Notice of Hearing ("Notice") in the above-captioned matter, a copy of which is attached and incorporated by this reference. The Notice required Frances Trinidad Moreno ("Moreno" or "Respondent") to provide a written answer to the allegations set forth in the Notice within twenty days of the issuance of the Notice. As of this date, Respondent has failed to file an answer. On November 23, 2007, counsel for the Department filed a Request for Default and Proposed Findings of Fact, Conclusions of Law and Order. As of this date, Respondent has not responded to the Department's request. Pursuant to A.A.C.R20-6-106(D), a party that fails to file an answer within the time provided shall be deemed to be in default and one or more of the allegations in the Notice of Hearing may be deemed to be admitted.

FINDINGS OF FACT

1. Notice was proper.
2. Respondent is in default.
3. The allegations in the Notice are deemed admitted.

///

1 **CONCLUSIONS OF LAW**

2 1. The conduct alleged in the Notice constitutes grounds for the Director to
3 suspend, revoke or refuse to renew Respondent's license to transact insurance in
4 Arizona, pursuant to A.R.S. §20-295 (A).

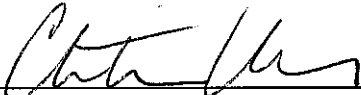
5 **ORDER**

6 IT IS ORDERED:

7 1. The insurance license held by Respondent is revoked effective upon the
8 issuance of this Order.

9 2. The hearing set for December 6, 2007, at 9:00 a.m. shall be vacated.

10 DATED this 30th day of November, 2007.

11
12 
13 _____
14 CHRISTINA URIAS, Director
Arizona Department of Insurance

15 COPY of the foregoing mailed this
16 3rd day of December, 2007 to:

17 Lewis Kowal, Administrative Law Judge
18 Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007

19 Steven Fromholtz, Licensing Supervisor
20 Mary Butterfield, Assistant Director
Catherine O'Neil, Legal Affairs
21 Mary Kosinski, Executive Assistant for Regulatory Affairs
Arizona Department of Insurance
22 2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

23 Frances Trinidad Moreno
24 24906 West Dove Mesa Drive
Buckeye, Arizona 85326
25 Respondent

26 
Curvey Burton

OCT 4 2007

DEPT OF INSURANCE
BY CB

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

1	In the Matter of:)	
2)	
3)	Docket No. 07A-167-INS
4	FRANCES TRINIDAD MORENO)	
5	(License number 868403))	NOTICE OF HEARING
6)	
7	Respondent)	(Administrative Law Judge
8)	Lewis Kowal)
9)	

PLEASE TAKE NOTICE that the above-captioned matter will be heard before the Director of Insurance of the State of Arizona (the "Director") or her duly designated representative on **December 6, 2007, at 9:00 a.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007**¹.

If you wish to continue this hearing to another date, you must file a motion in writing with the Office of Administrative Hearings not less than 15 days before the scheduled hearing date. Please send it to the attention of the Administrative Law Judge ("ALJ") and include the docket number listed above. You must also mail or hand-deliver a copy of any motion to continue to the Department of Insurance on the same date you file it with the Office of Administrative Hearings.

You are not required to have an attorney represent you. However, if you are represented, your attorney must be licensed to practice law in the State of Arizona. An insurance company may be represented by a corporate officer. A.R.S. § 20-161(B).

You are entitled to be present during the giving of all evidence and you will have a reasonable opportunity to inspect all documentary evidence, examine witnesses, present evidence that supports your case and to request that the ALJ issue subpoenas to compel the attendance of witnesses and production of evidence. A.R.S. §20-164(B).

¹As authorized under Arizona Revised Statutes ("A.R.S.") §§20-161 through and including 20-165 and Title 41, Chapter 6, Article 10 (A.R.S. § 41-1092 *et seq.*).

1 A clear and accurate record of the proceedings will be made either by a court reporter
2 or by electronic means. A.R.S. §41-1092.07(E). If you want a copy of an electronic recording,
3 you must contact the Office of Administrative Hearings at (602) 542-9826. If the hearing was
4 transcribed by a court reporter and you want a copy of the transcript, you must pay the cost of
the transcript to the court reporter or other transcriber

5 If you have questions concerning this Notice of Hearing please direct them to Mary
6 Kosinski, Arizona Department of Insurance, (602) 364-3471, 2910 North 44th Street, Suite 210,
7 Phoenix, Arizona 85018.

8 **NOTICE OF APPLICABLE RULES**

9 On January 23, 1992, we adopted the rules of practice and procedure applicable in
10 contested cases before the Director of Insurance. The hearing will be conducted pursuant to
these rules. A.A.C. R20-6-101 through R20-6-115.

11 YOU MUST FILE A WRITTEN RESPONSE (ANSWER) TO THE ALLEGATIONS IN
12 THIS NOTICE WITH US WITHIN 20 DAYS AFTER WE ISSUE THIS NOTICE. A.A.C.
13 R20-6-106. YOUR RESPONSE SHOULD STATE YOUR POSITION OR DEFENSE AND
14 SHOULD SPECIFICALLY ADMIT OR DENY EACH ASSERTION IN THE NOTICE. IF YOU
15 DO NOT SPECIFICALLY DENY AN ASSERTION, WE WILL CONSIDER IT ADMITTED. ANY
DEFENSE YOU DO NOT RAISE WILL BE CONSIDERED WAIVED.

16 IF YOU DO NOT FILE YOUR RESPONSE ON TIME, WE WILL CONSIDER YOU IN
17 DEFAULT AND THE DIRECTOR MAY DEEM THE ALLEGATIONS IN THE NOTICE AS
18 TRUE. ACCORDINGLY, WE WILL TAKE WHATEVER ACTION IS APPROPRIATE
INCLUDING SUSPENSION, REVOCATION, IMPOSITION OF A CIVIL PENALTY AND
19 ORDERING RESTITUTION TO ANY INJURED PERSON.

20 **PERSONS WITH DISABILITIES**

21 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
22 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR
23 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS
SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE
ACCOMMODATIONS. IF YOU REQUIRE ACCOMMODATIONS, PLEASE CONTACT THE

1 OFFICE OF ADMINISTRATIVE HEARINGS AT (602) 542-9826.

2 The allegations supporting this Notice of Hearing are as follows:

3 1. Frances Trinidad Moreno ("Respondent") is, and was at all material times
4 licensed as a resident property and casualty producer, Arizona license number 868403 which
5 expires December 31, 2009.

6 2. Respondent's mailing, business and residence addresses of record with the
7 Department are: 25560 W. Highway 85, #1, Buckeye, Arizona 85326 (business), c/o State
8 Farm, 25560 W. Highway 85, #3, Buckeye, Arizona 85326 (mailing) and 24906 W. Dove
9 Mesa Dr., Buckeye Arizona 85326 (residence).

10 3. On or about June 30, 2006, the Department issued to Respondent an insurance
11 license as a resident property and casualty producer, Arizona license number 868403.

12 4. On November 28, 2006, the Department notified Respondent by mail at her
13 mailing address of record, return receipt requested, that her fingerprint card had been
14 processed and returned by the Federal Bureau of Investigation ("FBI") as illegible. The
15 Department requested a replacement set of fingerprints along with a completed "Illegible
16 Fingerprint Replacement Form" on or before January 2, 2007.

17 5. On February 9, 2007, the Department sent a second letter to Respondent at her
18 mailing address of record, return receipt requested, notifying her that she had fifteen (15) days
19 to submit a full set of fingerprints to the Department.

20 6. On February 15, 2007, the Post Office returned the signed green card for the
21 February 9, 2007 letter to the Department.

22 7. To date, Respondent has not submitted a full set of fingerprints to the
23 Department.

VIOLATIONS

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

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

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

4 11. Grounds exist for the Director to suspend, revoke, or refuse to renew
5 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
6 A.R.S. §§20-295(A) and (F).

7 WHEREFORE, if after hearing, the Director finds the grounds alleged above, the
8 Director may deny, suspend, or revoke Respondent's insurance producer's license. A.R.S. §
9 20-295 (A).

10 The Director delegates the authority vested in her to the Director of the Office of
11 Administrative Hearings or his designee to preside over the hearing of this matter as the
12 Administrative Law Judge, to make written recommendations to the Director consisting of
13 proposed findings of fact, proposed conclusions of law, and a proposed order. This delegation
14 does not include delegation of the authority of the Director to make an order on the hearing or
15 any other final decision in this matter. A.R.S. § 20-150.

16 The Office of Administrative Hearings is an independent agency. A.R.S §41-1092.01.
17 Please find enclosed a copy of the procedures to be followed. Further hearing information
18 may also be found at the Office of Administrative Hearings website: www.azaoh.com.

19 DATED this 4th day of October, 2007.

20 
21 _____
22 GERRIE MARKS, Deputy Director
23 Arizona Department of Insurance

COPIES of the foregoing mailed/delivered,
return receipt requested,
this 4th day of October, 2007, to:

Frances Trinidad Moreno
25560 W. Highway 85, #1
Buckeye, Arizona 85326
Respondent

1 Frances Trinidad Moreno
2 c/o State Farm
3 25560 W. Highway 85, #3
4 Buckeye, Arizona 85326
5 Respondent

6 Frances Trinidad Moreno
7 24906 W. Dove Mesa Dr.
8 Buckeye Arizona 85326
9 Respondent

10 COPIES of the foregoing mailed/delivered
11 this 4th day of October, 2007, to:

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

19 Lewis D. Kowal, Administrative Law Judge
20 Office of Administrative Hearings
21 1400 West Washington, Suite 101
22 Phoenix, Arizona 885007

23 
Curvey Walters Burton

7006 2150 0004 4520 7881



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™

7006 2150 0004 4520 7898



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™

7006 2150 0004 4520 7904



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™