

JAN 7 2008

DEPT OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

ALEJANDRO HERNANDEZ (JR.)
(License Number 872177)

Respondent.

No. 07A-169-INS

ORDER

On December 24, 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 December 24, 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 is revoked immediately.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Petitioner 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.

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

...

...

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 2nd day of January, 2008.

4
5
6 
7 CHRISTINA URIAS, Director
Arizona Department of Insurance

8 COPY of the foregoing mailed this
9 7th day of January, 2008 to:

10 Office of Administrative Hearings
11 1400 West Washington, Suite 101
Phoenix, Arizona 85007

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

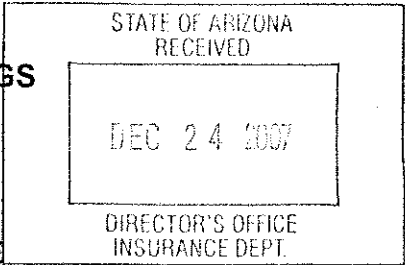
16 Alejandro Hernandez (Jr.)
17 One Norterra Dr.
Phoenix, Arizona 85085
Respondent

18 Alejandro Hernandez (Jr.)
19 39701 N. High Noon Way
Anthem, Arizona 85086
20 Respondent

21 
22 Curvey Burton

1
2
3
4
5
6
7
8

IN THE OFFICE OF ADMINISTRATIVE HEARINGS



In the Matter of:

ALEJANDRO HERNANDEZ, JR.
(License Number 872177)

Respondent.

No. 07A-169-INS

ADMINISTRATIVE
LAW JUDGE DECISION

9
10
11
12
13
14

HEARING: December 6, 2007

APPEARANCES: Special Assistant Attorney General Mary Kosinski appeared on behalf of the Arizona Department of Insurance; Alejandro Hernandez, Jr. did not appear at the hearing.

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

FINDINGS OF FACT

1. At all times material to this matter, Alejandro Hernandez, Jr. ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department") as a property and casualty producer.
2. On August 23, 2006, the Department issued Respondent a property and casualty license, license number 872177 ("License"), which expires on July 31, 2010.
3. On November 28, 2006, the Department issued a letter to Respondent that was mailed to his address of record, informing him that his 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 January 2, 2007 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 on February 9, 2007, certified mail, return receipt requested, giving Respondent a

1 deadline of fifteen days from the date of the letter to file a replacement fingerprint form
2 with the Department.

3 5. The Department submitted as an exhibit a copy of a receipt card and envelope
4 containing the February 9, 2007 letter that showed that the letter was returned to the
5 Department indicating that Respondent did not reside at that address. See Exhibit 4.

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

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

13 8. Mr. Fromholtz testified that when the Department receives an application for a
14 producer's license, it is processed. The fingerprint card is reviewed to make sure there
15 are no blank spaces. The card is then forwarded to the Arizona Department of Public
16 Safety for processing, which includes processing by the Federal Bureau of Investigation
17 for criminal history background check to be conducted.

18 9. Respondent did not present any evidence to refute or rebut the evidence
19 presented by the Department.

20 CONCLUSIONS OF LAW

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

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

27 3. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-
28 295(A)(1), by having failed to provide complete information in the license application.

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

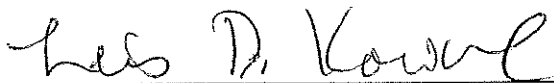
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

ORDER

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

Done this day, December 24, 2007.



Lewis D. Kowal
Administrative Law Judge

Original transmitted by mail this
24 day of Dec., 2007, to:

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

By 