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STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

METROPOLITAN TITLE AGENCY LLC
(License Number 868893)

Respondent.

No. 07A-170-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.

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CHRISTINA URIAS, Director
Arizona Department of Insurance

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

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

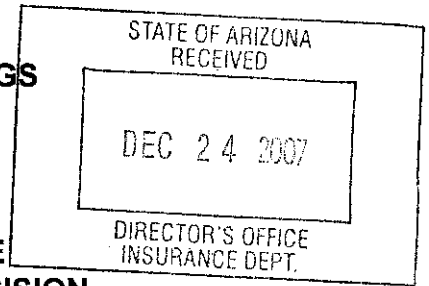
Mary Butterfield, Assistant Director
Catherine O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Licensing Supervisor
Mary E. Kosinski, Executive Assistant for Regulatory Affairs
Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018

Metropolitan Title Agency LLC
2701 E. Camelback Rd., #150
Phoenix, Arizona 85016
Respondent


Curvey Burton

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS



In the Matter of:

No. 07A-170-INS

METROPOLITAN TITLE AGENCY LLC
(License Number 871898)

ADMINISTRATIVE
LAW JUDGE DECISION

Respondent.

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HEARING: December 6, 2007

APPEARANCES: Special Assistant Attorney General Mary Kosinski appeared on behalf of the Arizona Department of Insurance; Metropolitan Title Agency, LLC did not appear at the hearing

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

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FINDINGS OF FACT

1. At all times material to this matter, Metropolitan Title Agency, LLC ("Respondent") was and currently is licensed by the Arizona Department of Insurance ("Department") as a resident title agency.
2. On July 11, 2006, the Department issued Respondent a resident title agency license, license number 868893 ("License"), which expires on July 31, 2010.
3. On November 28, 2006, the Department issued a letter to Respondent that was mailed to its address of record, informing it that Jason R. Brackley's ("Mr. Brackley") fingerprint card could not be processed and was returned by the Federal Bureau of Investigation as illegible. Metropolitan Title Agency, LLC listed Mr. Brackley in the license application as a member of Metropolitan Title Agency, LLC. In the above-mentioned letter, the Department requested that Respondent submit a replacement set of fingerprints for Mr. Brackley 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

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1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

1 form for Mr. Brackley from Respondent as requested, the Department sent another
2 letter to Respondent on February 9, 2007, certified mail, return receipt requested, giving
3 Respondent a deadline of fifteen days from the date of the letter to file a replacement
4 fingerprint form with the Department.

5 5. The Department submitted as an exhibit a copy of a receipt card and envelope
6 containing the February 9, 2007 letter that showed that the letter was returned to the
7 Department marked by the United States Postal Service "Attempted-Not Known". See
8 Exhibit 4.

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 for Mr. Brackley from Respondent or from
13 Mr. Brackley.

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

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

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

24 CONCLUSIONS OF LAW

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

28 2. Pursuant to A.R.S. § 20-285(E) the license application of a business entity, in
29 this case Metropolitan Title Agency, LLC, is to include the names of all officers, director,
30 and members and the Director has authorization to require the same information that is

1 required of an individual for licensure, such as fingerprint cards, be required of a
2 member of a legal entity, such as Mr. Brackley.

3 3. During the application process, the Director of the Department required
4 Respondent to submit a full set of fingerprints and Respondent's illegible fingerprint
5 submission with respect to Mr. Brackley, a member of Metropolitan Title Agency, LLC,
6 did not satisfy that requirement. See A.R.S. § 20-285(F)(2).

7 4. Respondent's conduct, as set forth above, constitutes a violation of A.R.S. § 20-
8 295(A)(1), by having failed to provide complete information in the license application.


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

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

13 **ORDER**

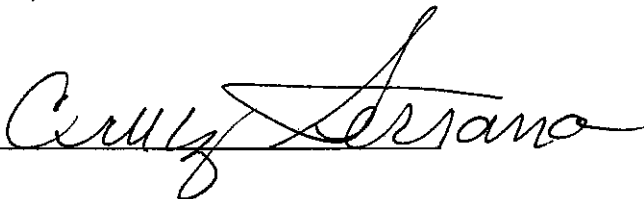
14 Based upon the above, the License shall be revoked on the effective date of the
15 Order entered in this matter.

16 Done this day, December 24, 2007.

17 
18 _____
19 Lewis D. Kowal
20 Administrative Law Judge

21 Original transmitted by mail this
22 24 day of Dec., 2007, to:

23
24 Department of Insurance
25 Christina Urias, Director
26 2910 North 44th Street, Ste. 210
27 Phoenix, AZ 85018

28 By 
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30