

NOV 20 2007

DEPT OF INSURANCE  
BY 

STATE OF ARIZONA  
DEPARTMENT OF INSURANCE

In the Matter of: )  
)  
4 **MICHAEL STEPHEN KENNEDY** )  
(License number 882070) )  
)  
)  
6 Respondent )  
7 \_\_\_\_\_ )

No. 07A-174-INS  
CONSENT ORDER  
Hearing 11/21/07, 9:00 a.m.  
ALJ Diane Mihalsky

The State of Arizona Department of Insurance ("Department") has received evidence that **Michael Stephen Kennedy** ("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. Respondent is, and was at all material times licensed as a resident life and accident/health producer, Arizona license number 882070 which expires March 31, 2010.
2. Respondent's mailing, business and residence addresses of record with the Department are: 1340 W. Canary Way, Chandler, Arizona 85248 (business and residence).
3. On or about January 5, 2007, the Department issued to Respondent an insurance license as a resident life and accident/health producer, Arizona license number 882070.
4. On April 17, 2007, the Department notified Respondent by mail at his mailing address of record that his fingerprint card had been processed and returned by the Federal Bureau of Investigation ("FBI") as illegible. The Department requested a replacement set of fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before May 22, 2007.

1           5.     On June 25, 2007, the Department sent a second letter to Respondent at his  
2 mailing address of record (return receipt requested) notifying him that he had fifteen (15) days  
3 to submit a full set of fingerprints to the Department.

4           6.     On June 25, 2007, the Post Office returned the signed green card for the June  
5 25, 2007 letter to the mailing address.

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

8           8.     On October 10, 2007, the Department set a hearing and issued a Notice of  
9 Hearing for revocation of Respondent's license.

### 10                   **CONCLUSIONS OF LAW**

11           1.     The Director has jurisdiction over this matter.

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

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

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

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

### 23                   **ORDER**

IT IS HEREBY ORDERED THAT:

1.     Respondent shall immediately submit to the Department a full set of fingerprints

1 and an Illegible Fingerprint Replacement Form.

2 2. Respondent shall immediately pay to the Department a civil money penalty in the  
3 amount of \$100.

4 3. The hearing, Docket # 07A-174-INS, scheduled for November 21, 2007 at 9:00  
5 a.m. is vacated.

6 DATED AND EFFECTIVE this 20<sup>th</sup> day of November, 2007.

7  
8   
9 for CHRISTINA URIAS  
Director of Insurance

10 **CONSENT TO ORDER**

11 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law  
12 and Order.

13 2. Respondent admits to the jurisdiction of the Director of Insurance, State of  
14 Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing  
15 Conclusions of Law and Order.

16 3. Respondent is aware of his right to notice and a hearing at which he may be  
17 represented by counsel, present evidence and examine witnesses. Respondent irrevocably  
18 waives his right to such notice and hearing and to any court appeals relating to this Consent  
19 Order.

20 4. Respondent states that no promise of any kind or nature whatsoever, except as  
21 expressly contained in this Consent Order, was made to him to induce him to enter into this  
22 Consent Order and that he has entered into this Consent Order voluntarily.

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

5           6.       Respondent acknowledges that this Consent Order is an administrative action  
6 that the Department will report to the National Association of Insurance Commissioners  
7 (NAIC). Respondent further acknowledges that he must report this administrative action to  
8 any and all states in which he holds an insurance license and must disclose this administrative  
9 action on any license application.

10       11/20/07  
11       Date

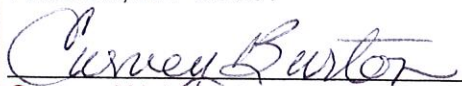
  
11       Michael Stephen Kennedy, License # 882070

12 COPIES of the foregoing mailed/delivered  
13 this 20th day of November, 2007, to:

14 Michael Stephen Kennedy  
15 1340 W. Canary Way  
16 Chandler, Arizona 85248  
17 Respondent

18 Mary E. Kosinski, Exec. Assistant for Regulatory Affairs  
19 Mary Butterfield, Assistant Director  
20 Catherine M. O'Neil, Consumer Legal Affairs Officer  
21 Steven Fromholtz, Licensing Supervisor  
22 Department of Insurance  
23 2910 North 44<sup>th</sup> Street, Suite 210  
Phoenix, Arizona 85018

20 Diane Mihalsky, Administrative Law Judge  
21 Office of Administrative Hearings  
22 1400 West Washington, Suite 101  
23 Phoenix, AZ 85007

  
23 Curvey Walters Burton