

NOV 19 2007

STATE OF ARIZONA

DEPT OF INSURANCE

DEPARTMENT OF INSURANCE

BY CB

In the Matter of:

No. 07A-176-INS

DEVON SCOTT RODGERS
(License number 881343),

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

Respondent.

On October 11, 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 Devon Scott Rodgers ("Rodgers") 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, Respondents have failed to file an answer. On November 8, 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.

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CONCLUSIONS OF LAW

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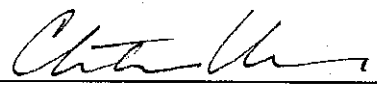
1. The conduct alleged in the Notice constitutes grounds for the Director to suspend, revoke or refuse to renew Respondent's license to transact insurance in Arizona, pursuant to A.R.S. §20-295 (A).

ORDER

IT IS ORDERED:

1. The insurance license held by Respondent is revoked effective upon the issuance of this Order.
2. The hearing set for November 21, 2007, at 9:00 a.m. shall be vacated.

DATED this 16th day of November, 2007.




CHRISTINA URIAS, Director
Arizona Department of Insurance

COPY of the foregoing mailed this 19th day of November, 2007 to:

Diane Mihalsky, Administrative Law Judge
Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007

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

Devon Scott Rodgers
15251 S. 50th Street, Apt. #2025
Phoenix, Arizona 85044
Respondent


Curvey Burton

OCT 11 2007

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY [Signature]

In the Matter of:)
)
4 **DEVON SCOTT RODGERS**)
 (License number 881343))
5 Respondent)
6)
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Docket No. 07A-176-INS
NOTICE OF HEARING
(Administrative Law Judge
Diane Mihalsky)

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 **November 21, 2007, at 9:00 a.m., at the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007¹.**

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
5 the transcript to the court reporter or other transcriber

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

9 **NOTICE OF APPLICABLE RULES**

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

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

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

24 **PERSONS WITH DISABILITIES**

25 PERSONS WITH DISABILITIES MAY REQUEST REASONABLE
26 ACCOMMODATIONS SUCH AS INTERPRETERS, ALTERNATIVE FORMATS, OR
27 ASSISTANCE WITH PHYSICAL ACCESSIBILITY. REQUESTS FOR ACCOMMODATIONS
28 SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE
29 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. Devon Scott Rodgers ("Respondent") is, and was at all material times licensed
4 as a resident life and accident/health producer, Arizona license number 881343 which expires
5 April 30, 2010.

6 2. Respondent's mailing, business and residence addresses of record with the
7 Department are: c/o American Republic Sales, 4625 S. Wendler Dr., Suite 111, Tempe,
8 Arizona 85282 (business and mailing) and 15251 S. 50th St., Apt. #2025, Phoenix, Arizona
9 85044 (residence).

10 3. On or about December 21, 2006, the Department issued to Respondent an
11 insurance license as a resident life and accident/health producer, Arizona license number
12 881343.

13 4. On April 17, 2007, the Department notified Respondent by mail at his business
14 address of record that his fingerprint card had been processed and returned by the Federal
15 Bureau of Investigation ("FBI") as illegible. The Department requested a replacement set of
16 fingerprints along with a completed "Illegible Fingerprint Replacement Form" on or before May
17 22, 2007.

18 5. On June 25, 2007, the Department sent a second letter to Respondent at his
19 business address of record (return receipt requested) and at his residence address of record
20 notifying him that he had fifteen (15) days to submit a full set of fingerprints to the Department.

21 6. On July 6, 2007, the Post Office returned the signed green card for the June 25,
22 2007 letter to the business address.

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

20 VIOLATIONS

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

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

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

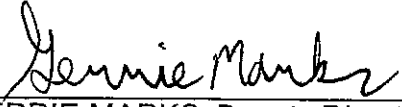
5 11. Grounds exist for the Director to suspend, revoke, or refuse to renew
6 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to
7 A.R.S. §§20-295(A)&(F).

8 WHEREFORE, if after hearing, the Director finds the grounds alleged above, the
9 Director may deny, suspend, or revoke Respondent's insurance producer's license. A.R.S. §
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
any other final decision in this matter. A.R.S. § 20-150.

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

18 DATED this 9th day of October, 2007.

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GERRIE MARKS, Deputy Director
23 Arizona Department of Insurance

1 COPIES of the foregoing mailed/delivered,
return receipt requested,
2 this 11th day of October, 2007, to:

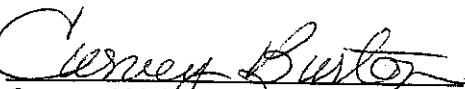
3 Devon Scott Rodgers
American Republic Sales
4 4625 S. Wendler Dr., Suite 111
Tempe, Arizona 85282
5 Respondent

6 Devon Scott Rodgers
15251 S. 50th St., Apt. #2025
7 Phoenix, Arizona 85044
Respondent

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

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

14 Diane Mihalsky, Administrative Law Judge
Office of Administrative Hearings
15 1400 West Washington, Suite 101
Phoenix, Arizona 885007

16 
17 Curvey Walters Burton

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